



Town of Arlington, MA Redevelopment Board

Agenda & Meeting Notice March 14, 2022

This meeting is being held remotely in accordance with the Governor's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, Section 20.. Per Board Rules and Regulations, public comments will be accepted during the public comment periods designated on the agenda. Written comments may be provided by email to jraitt@town.arlington.ma.us by March 14, 2022 at 4:00 p.m. The Board requests that correspondence that includes visual information should be provided by March 11, 2022 at 12:00 p.m.

The Arlington Redevelopment Board will meet Monday, March 14, 2022 at 7:30 PM in the
Join via Zoom by using this link <https://town-arlington-ma-us.zoom.us/j/83637785824>, enter Meeting ID: 836 3778 5824, or by calling (646) 876-9923, enter Meeting ID 836 3778 5824, followed by #.

1. Warrant Article Public Hearings for 2022 Annual Town Meeting

- 7:30 p.m.
- A brief introductory presentation by petitioners will be provided for each article
 - Board members and members of the public will be provided time to ask questions and comment on each article
 - The public will be provided opportunity to comment on each Article

ARTICLE 31

ZONING BYLAW AMENDMENT/ ADMINISTRATIVE AMENDMENTS

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections:

1. Amend Section 3.4.3. (D) Arlington Redevelopment Board procedures to update simple majority voting quantum pursuant to M.G.L. c.40A sec 9.
 2. Amend Section 6.1.5. C (6) to add "if otherwise not required" or similar to the end of the clause;
 3. Strike Section 8.1.4. (E) to eliminate duplication between Section 8.1.4(E) and Section 8.1.5;
 4. Add "Group Home" to the "Definitions Associated with Dwelling" in Section 2 DEFINITIONS;
 5. Add "Accessory Dwelling Unit" to the "Definitions Associated with Dwelling" in Section 2 DEFINITIONS; or take any action related thereto.
- (Inserted at the request of the Redevelopment Board)

ARTICLE 40

ZONING MAP AMENDMENT / EXPAND BUSINESS DISTRICTS

To see if the Town will vote to rezone the parcels identified in the affixed table

and represented by the proposed map affixed hereto from their current respective Residential zoning districts to the Business District 3 (B3); or take any action related thereto.
(Inserted at the request of James Fleming and ten registered voters)

ARTICLE 43
ZONING BYLAW AMENDMENT / ZONING MAP AMENDMENT REQUIREMENTS

To see if the Town will vote to amend Section 1.5 of the Zoning Bylaw to modify or remove the requirement to notify abutters of a zoning map amendment; or take any action related thereto.
(Inserted at the request of James Fleming and ten registered voters)

ARTICLE 41
ZONING BYLAW AMENDMENT / APARTMENT PARKING MINIMUMS

To see if the Town will vote to amend the Zoning Bylaw to reduce or remove minimum vehicular parking requirements for Apartment Building uses; or take any action related thereto.
(Inserted at the request of James Fleming and 10 registered voters)

ARTICLE 42
ZONING BYLAW AMENDMENT / OPEN SPACE USES

To see if the Town will vote to amend the Zoning Bylaw to expand the allowed uses in the Open Space district; or take any action related thereto.
(Inserted at the request of James Fleming and ten registered voters)

ARTICLE 44
ZONING BYLAW AMENDMENT / RESTAURANT USES

To see if the Town will vote to amend the Zoning Bylaw to change the square footage threshold above which a restaurant use requires a special permit; or take any action related thereto.
(Inserted at the request of James Fleming and ten registered voters)

2. Special Town Meeting - potential Zoning Warrant Articles

9:30 p.m. Discussion regarding possible amendments to sign bylaw, family child care uses, and nonconforming single-family or two-family dwellings.

3. Town Bylaw Warrant Article discussion

9:45 p.m. Board will provide feedback to Director to prepare a memo on behalf of ARB to Select Board on the following articles:

- ARTICLE 9: BYLAW AMENDMENT ACHIEVING NET ZERO GREENHOUSE GAS EMISSIONS FROM TOWN FACILITIES CONSISTENT WITH THE TOWN OF ARLINGTON'S NET ZERO ACTION PLAN
- ARTICLE 73: RESOLUTION/TRUE NET-ZERO OPT-IN CODE FOR CITIES AND TOWNS
- ARTICLE 17: BYLAW AMENDMENT/CONVERSION OF GAS STATION DISPENSING PUMPS TO SELF SERVICE OPERATION

4. Open Forum

10:15 p.m. • Except in unusual circumstances, any matter presented for consideration of the Board shall neither be acted upon, nor a decision made the night of the

presentation. There is a three-minute time limit to present a concern or request.

5. Adjourn

Estimated time for adjournment is 10:35 p.m.

6. Correspondence Received

Correspondence received from:

M. Rizkallah 2-25-2022
L. Maida, Maida Pharmacy 3-2-2022
N. Mann 3-5-2022
D. Seltzer 3-6-2022
E. Pyle 3-6-2022
P. Parise 3-6-2022
B. Kun 3-7-2022
C. Carney 3-7-2022
C. Cunningham 3-7-2022
E. Cahill 3-7-2022
J. Weber 3-7-2022
L. Vivenzio 3-7-2022
S. Blagden 3-7-2022
A. Hollman 3-8-2022
J. Weber 3-8-2022
R. Peterson 3-8-2022



Town of Arlington, Massachusetts

Warrant Article Public Hearings for 2022 Annual Town Meeting

Summary:

7:30 p.m.

- A brief introductory presentation by petitioners will be provided for each article
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ATTACHMENTS:

Type	File Name	Description
<div> <div></div> <div>Reference Material</div> </div>	Agenda_Item_1_-_DPCD_Memo_to_ARB_regarding_Articles_31__40__41__42__43__and_44_dated_03-10-22.pdf	DPCD Memo to ARB regarding Articles 31, 40, 41, 42, 43, and 44 dated 03-10-2022
<div> <div></div> <div>Reference Material</div> </div>	Agenda_Item_1_2022_Town_Meeting_-_Expanded_Business_Districts.pdf	Expanded Business Districts
<div> <div></div> <div>Reference Material</div> </div>	Agenda_Item_1_2022_Town_Meeting_-_Apartment_Parking_Minimums.pdf	Apartment Parking Minimums
<div> <div></div> <div>Reference Material</div> </div>	Agenda_Item_1_2022_Town_Meeting_-_Open_Space_Uses.pdf	Open Space Uses
<div> <div></div> <div>Reference Material</div> </div>	Agenda_Item_1_2022_Town_Meeting_-_Restaurant_Uses.pdf	Restaurant Uses



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Arlington Redevelopment Board

From: Jennifer Raitt, Director, Planning and Community Development
Kelly Lynema, AICP, Assistant Director, Planning and Community Development
Daniel Amstutz, AICP, Senior Transportation Planner, Planning and Community Development

Date: March 10, 2022

RE: Review of Warrant Articles 31, 40, 41, 42, 43, and 44 for 2022 Annual Town Meeting

Staff reviewed the following Warrant Articles to provide the Board with information for further consideration as part of the public hearing and review process. There are six articles with public hearings for the evening of March 14th. This memo provides information about each article being reviewed, including any additional information provided by the petitioner, and additional factors for the Board's consideration.

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(Inserted at the request of the Redevelopment Board)

Background

This article proposes specific administrative corrections including: updating voting quantum for proposals consistent with Governor Baker's 2021 Housing Choice Legislation (M.G.L. c.40A sec 9); updating Transportation Demand Management methods to reduce duplication with the Bicycle Parking bylaw (Section 6.1.12) passed by 2019 ATM; striking a duplicative section of the bylaw; and consolidating and moving two definition into "Definitions Associated with Dwelling" for consistency standard practice in Section 2, Definitions.

Amend Section 3.4.3(D):

- A. A favorable decision by the Board shall require the votes of at least four members, with the exception of special permits in compliance with M.G.L. c.40A § 9 requiring a simple majority vote.

Amend Section 6.1.5(C)(6):

- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant

Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:

- (1) Charge for parking on-site;
- (2) Pay a stipend to workers or residents without cars;
- (3) Provide preferential parking for carpooling vehicles;
- (4) Provide a guaranteed emergency ride home;
- (5) Provide transit pass subsidies;
- (6) Provide covered bicycle parking and storage, if otherwise not required;

Amend Section 8.1.4(E):

~~B. Except as covered under Section 8.1.7, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.~~

Amend Section 2:

Definitions Associated with Dwelling

Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling.

Apartment Building: A multi-family building designed or intended or used as the home or residence of four or more households, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Dormitory: A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to four individuals per room, with common bath and toilet facilities and without individual cooking facilities.

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "efficiency," "single-family," "two-family," "duplex", "three-family" or "multi-family" dwelling, or single-room occupancy building, shall not include hotel/motel, bed and breakfast, hospital, membership club, mixed-use, or mobile home.

Dwelling Unit: A separated portion of a building containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one household.

Duplex Dwelling: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purposes of determining yard requirements.

Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Multi-family Dwelling: A building containing 4 or more dwelling units.

Single-Family Dwelling: A building containing only one dwelling unit.

Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term “single-room occupancy building” shall not include apartment buildings, hotels, nursing homes, dormitories, or assisted living residences

Three-Family Dwelling: A building containing three dwelling units.

Townhouse Structure: A row of at least three single-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire separation wall or walls, and where each unit has its own at-grade access.

Two-Family Dwelling: A building containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.

A Warrant Article to amend the Zoning Bylaw has been filed by James Fleming and ten registered voters:

ARTICLE 40 ZONING MAP AMENDMENT / EXPAND BUSINESS DISTRICTS

To see if the Town will vote to remap the parcels identified in the affixed table and represented by the proposed map affixed hereto from their current respective Residential zoning districts to the Business District 3 (B3); or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

The petitioner provided the following:

I have filed a petition to rezone a part of Capitol Square from residential to business. The effect is that a business could start there, or the building could be converted or redeveloped to be mixed use—homes above a commercial space.

The specific properties to be rezoned are below. My intent of the rezoning is to allow the neighborhood to improve. I want to see more storefronts because it makes for a more interesting place to live, and I want more residents in the neighborhood because it makes for a more active neighborhood and better support for existing businesses. Currently, businesses cannot establish on these properties, and the proposed rezoning would change that.

Rezoning does not mean that these properties must change. What exists there now may continue to exist without violating any town law. Rezoning also does not mean the properties will change immediately. Rezoning gives the property owner the *ability* to change their property to include business use. If, how, and when they do so would be up to them.

I have asked the interim director of assessment for the Town (Dana Mann) about the tax impacts of rezoning these properties. Unless a property were to change (larger building, adding commercial use, etc., the rezoning itself would have no impact on the assessed value, and therefore the taxes.

Properties to be rezoned from their current zoning district to Business District 3 (B3):

Identifiers				Current Zoning ¹	Street Address
Parcel ID	Map	Block	Lot		
25-4-9	25	4	9	R5	155 Mass Ave
25.A-4-151.1	25.A	4	151.1	R2	151 Mass Ave, Unit 1
25.A-4-151.2	25.A	4	151.2	R2	151 Mass Ave, Unit 2
25-4-7	25	4	7	R2	147 Mass Ave
3-3-1	3	3	1	R2	150 Mass Ave

¹ R5 is the Apartment District/Low Density District; R2 is the Two-Family District.

Background

The staff provide the following additional considerations relevant to this article:

Overview of Amendment

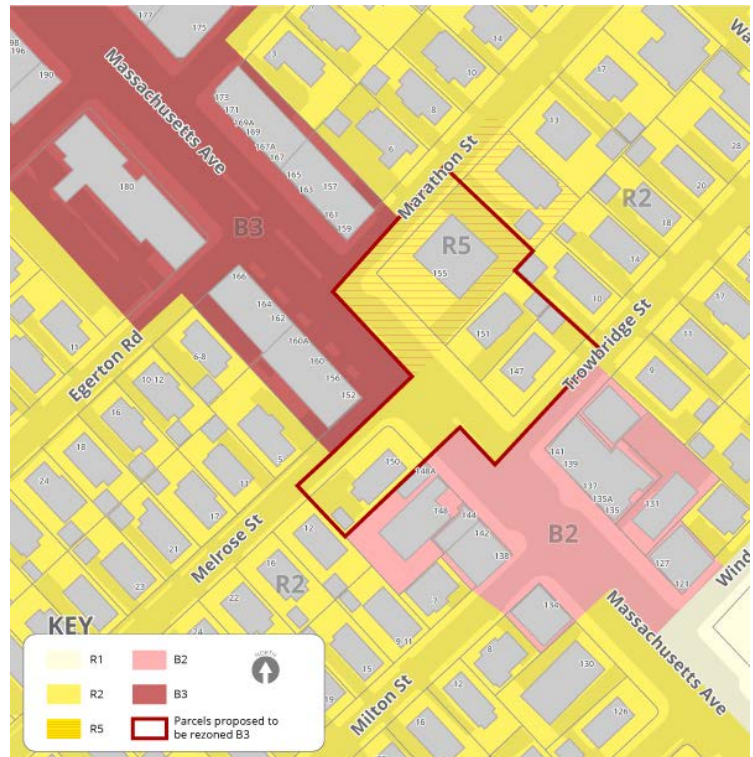
The petitioner seeks to rezone the four parcels (currently occupied by five properties) outlined in red in the map at right from R2: Two-Family District and R5: Apartment District/Low Density to B3: Village Business District. The parcels in question are to the southeast of the Capitol Square business district with frontage on Massachusetts Avenue and sit between parcels in the B3 and B2 zoning districts. At present, there are no redevelopment proposals for these four parcels; the purpose of the rezoning is to increase the allowable uses on these parcels and expand the business district by permitting ground floor commercial uses and/or mixed-use redevelopment of the properties.

Existing and Anticipated Conditions

As stated in the Zoning Bylaw, the B3: Village Business District's predominant uses include retail, service, and office establishments catering to both convenience and comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. Other than the B3 district in East Arlington (a portion of which is shown in the map above), the district is also located in Arlington Center and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of the bylaw are discouraged.

The B3 district, being a commercial and mixed-use district, allows a broader range of uses by right than do the R2 and R5 districts. The uses below are allowed by right in the B3 district, which means they have a streamlined permitting process and are not subject to discretionary review by the ARB:

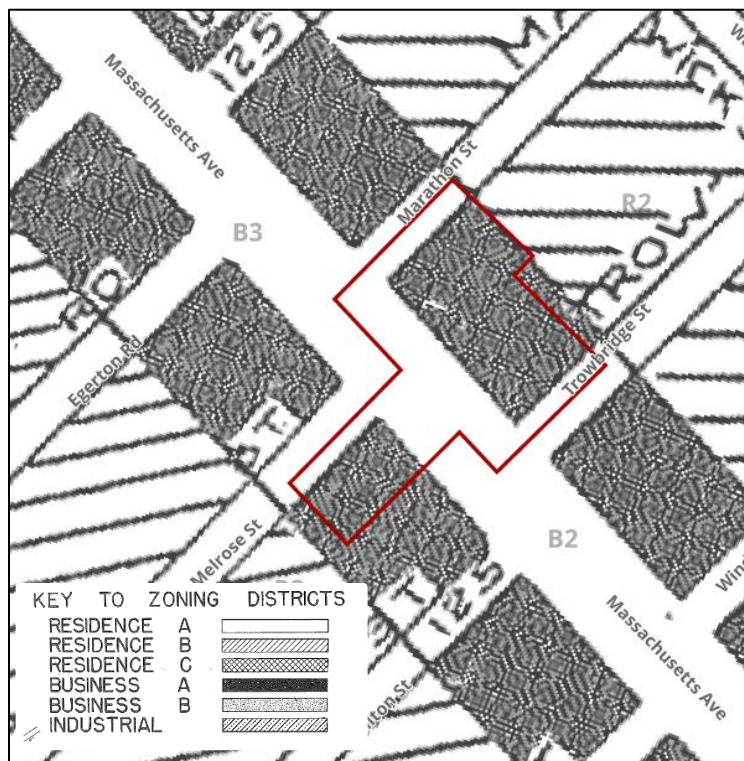
- Residential: single- and two-family or duplex dwellings, group homes, dormitories.
- Institutional/Educational: non-exempt educational uses.
- Agricultural: Sales of flowers and garden supplies; small farms.
- Public Recreational, Entertainment: conservation land, parks and recreation areas and buildings; municipal buildings (police, fire, town office).
- Utilities: radio or television studio or receiving facilities; wireless facilities on utility poles.
- Personal, Consumer, & Business Services: copy centers, banks less than 2,000 square feet, personal and consumer service establishments with five or fewer employees, funeral homes, veterinary care.
- Eating & Drinking Establishments: restaurants of less than 2,000 square feet, fast-casual restaurants of less than 1,500 square feet.
- Retail: local retail of less than 3,000 square feet, small manufacture, assembly, and goods packaging (less than 1,000 square feet).
- Office: offices of less than 3,000 square feet.



- Other: artistic/creative production and numerous accessory uses.

In addition, mixed-use buildings are allowed subject to a discretionary special permit process by the ARB. There are a range of other commercial uses (services, retail, restaurant, office, entertainment, and research and development) that are allowed with a special permit in the B3 district but not allowed in the R2 and R5 districts.

As shown in the darker strip of parcels in the map at right, until 1975 properties located within 125 feet of Massachusetts Avenue in East Arlington were uniformly zoned "Business A", which allowed restaurant, retail, public buildings, personal care services, funeral homes, offices, banks, gas stations, and accessory uses. This petition to rezone the parcels in question to B3 essentially reconnects the historic land use and zoning pattern of the business district in this section of East Arlington.



Below are the current uses of the parcels and their conformance with the Zoning Bylaw:

Property	Zoning District	Parcel size	Approx. Frontage	Conforming vs. nonconforming	Current use	Use allowed in the B3 district?
155 Mass Ave	R5	12,827 sf	227' (corner lot)	Nonconforming due to lot size	12-unit apartment building	Special Permit
151 Mass Ave (Units 1 and 2)	R2	5,159 sf	50'	Nonconforming due to lot size and frontage	Two-unit condo building	By right
147 Mass Ave	R2	5,322 sf	169' (corner lot)	Nonconforming due to lot size	Two-family building	By right
150 Mass Ave	R2	5,500 sf	160' (corner lot)	Nonconforming due to lot size	Three-family building	Special Permit

In addition to the nonconforming lot size and frontage, most of the structures on the parcels appear to have a nonconformance with the Zoning Bylaw's front or side yard setback requirements. This means that the buildings on these parcels could not be rebuilt beyond their current footprints without seeking a special permit, and additions to these buildings would also require a special permit. However, were these properties to be rezoned, neither the current uses nor the buildings on the lots would need to change.

Consistency with the ARB's Goals:

The ARB's goals for this year specifically include the action to "consider zoning amendments to encourage commercial development along the Massachusetts Avenue and Broadway corridors", and an additional action regarding zoning in Arlington Heights based on the recommendations of the Arlington Heights Neighborhood Action Plan. As per Board discussions, this goal is related to a desire to address zoning in the business districts more broadly as part of a wholistic strategy for encouraging economic development and commercial vitality along these corridors. As the ARB has discussed, embarking on this initiative will entail a planning process that will engage and reach out to residents and the business community alike.

A Warrant Article to amend the Zoning Bylaw has been filed by James Fleming and ten registered voters:

ARTICLE 41 ZONING BYLAW AMENDMENT / APARTMENT PARKING MINIMUMS

To see if the Town will vote to amend the Zoning Bylaw to reduce or remove minimum vehicular parking requirements for Apartment Building uses; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

The petitioner provided the following:

That the Zoning Bylaw be and hereby is amended as follows:

- By making the following changes to the rows labeled “Single-, two-, or three-family dwelling” and “Apartment building” in the table “Table of Off-Street Parking Regulations” in Section 6.1.4:

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling, or Apartment building	1 space per dwelling units
Apartment building Public housing for the elderly	1 space per efficiency dwelling unit; 1.15 space per 1 bedroom dwelling unit; 1.5 spaces per 2 bedroom dwelling unit; And 2 spaces per 3 or more bedroom dwelling unit; And 1 space per 5 units of public housing or the elderly.

Background

The staff provide the following additional considerations relevant to this article:

History

A similar Warrant Article was filed by the Arlington Redevelopment Board in 2019 (Article 13). That amendment proposed to reduce the number of required parking spaces for multi-family uses to one space per unit, the same ratio as required for single-, two-, and three-family dwellings. In 2019 and today, parking for apartment buildings is based on bedrooms, not dwelling units. The 2019 proposal and this proposal share a desire to reduce the number of required parking spaces for multi-family uses to one space per unit.

In 2019, DPCD and the ARB noted that the amendment would bring parity between the parking requirement for apartment uses and parking required for other types of residential uses as identified in the Zoning Bylaw, and that it was appropriate for the higher-density residential districts located on major roadways where public transit is available. The parking requirement is only a minimum; based on market decisions, a higher number of parking spaces may be required and provided.

The 2019 amendment was advanced by the 2016 Housing Production Plan, which noted that the mandate to provide more than necessary parking per unit of housing reduces the already limited amount of developable land in Arlington. Additional studies noted that the average parking lot in Arlington is approximately 74% full (this is typically called the parking utilization rate). The chart below shows the utilization rates of several apartment buildings in town as reported in 2019:

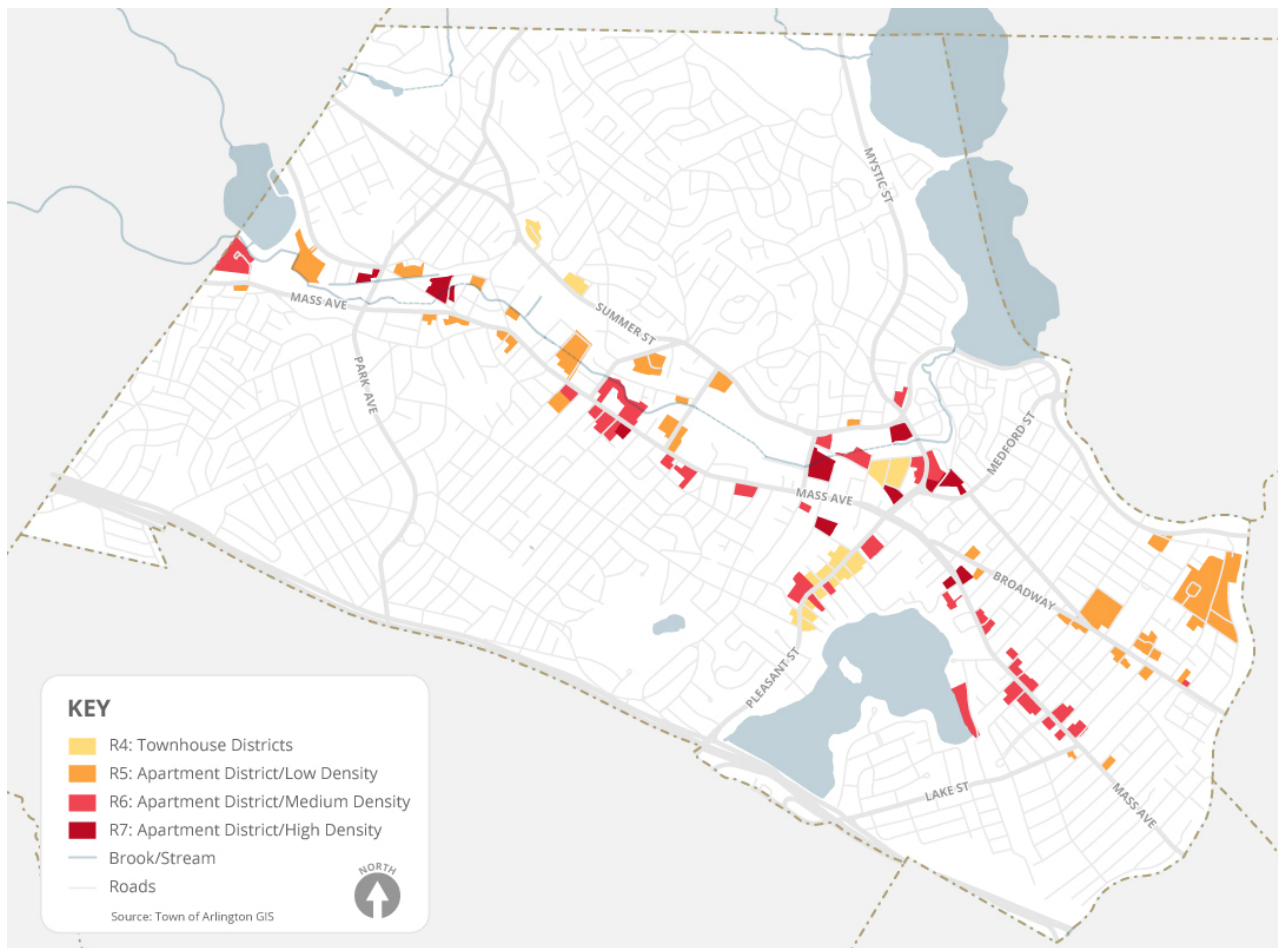
Address	Year Built	Parking Utilization*	Excess Parking
4105 Symmes Ct.	2013	0.69	0.7
30-50 Mill St.	2012	0.8	0.17
438 Mass Ave.	2000	0.85	0.17
924-932 Mass Ave	1950	0.92	0
204 Mass Ave	1915	0.8	0.04
258-260 Mass Ave	1910	0.63	0.35
* Spaces occupied per dwelling unit			

The plan recommended that the Town allow shared parking and that the parking requirement per unit of housing be reduced, adding that an oversupply of parking reduces land availability for other uses. Additionally, job accessibility by transit within 30 minutes reduces parking demand.

Scope and Potential Impact of Proposed Amendment

Apartment buildings are allowed by special permit exclusively in the R5, R6, and R7 zoning districts. Their locations are identified in the map below. These districts are primarily located along the Massachusetts Avenue and Broadway corridors, adjacent to public transportation.

Conversion to an apartment building of up to 18 units per acre with no exterior alteration is allowed by special permit in the R4 and R5 zoning districts, also noted in the map below. The R4 district is limited to Pleasant Street, Arlington Center, and along Summer Street in the Heights.



Overall, the amendment would apply to 252 parcels. Slightly over half (50.2%) of the housing units located on these parcels are condominiums with individual ownership in a building, 46.5% are in apartment buildings, and 3.2% are in single-, two-, and three-family homes.

Data and Trends in Parking Utilization

In 2019, the Metropolitan Area Planning Council (MAPC) issued the Phase II report on their *Perfect Fit Parking Initiative*. The report analyzed parking supply and demand (utilization rates) in municipalities throughout the greater region to develop recommendations for “right-sizing” parking regulations. The report notes the consequences of excess parking – property that could be landscaped as common or green space is paved over increasing stormwater runoff; parking oversupply incentivizes more driving which in turn increases congestion, pollution, and greenhouse gas emissions; and requiring an excess of parking increases the cost and further limits the supply of housing.²

MAPC conducted surveys, overnight parking counts, and analyzed data for 14 communities, including Arlington. A key metric in the report was the data on parking demand, which is defined as the number of overnight parked cars per occupied housing unit. Among the communities studied, overnight parking demand ranged from nearly zero to more than 1.5 parked cars per household, with an average of 0.73 parked cars per household. As shown in the table below, Arlington’s utilization rate was less than the average, at around 0.65. Additionally, there was a significant gap between parking supply and utilization—an excess of roughly 0.4 parking spaces per household.

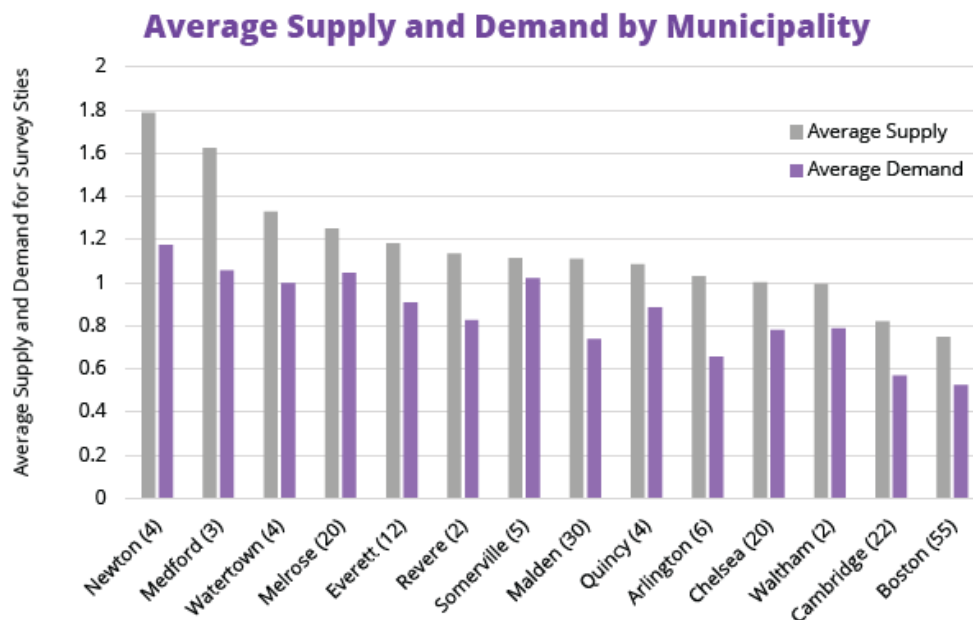


Figure 5: Average Supply and Demand by Municipality, Perfect Fit Parking Study (n=189)
Numbers in parentheses indicate the number of sites surveyed in each municipality.

This suggests that requiring a minimum parking ratio of more than one parking space per dwelling unit, especially in development near transit, is likely to lead to parking oversupply and increased development costs, which in turned are passed on to buyers and tenants.

² MAPC, *Perfect Fit Parking Initiative, Phase II Report*. 2019.

Consistency with the Master Plan and Connect Arlington, the Sustainable Transportation Plan:

One of the conclusions of a survey conducted as part of the Master Plan was that the cost of parking is often the greatest hindrance to the economic feasibility of dense, urban developments. The Master Plan set forth the goal of establishing parking ratios that reflect actual need for parking. This proposed amendment addresses this goal by reducing the parking ratios for multi-family uses with access to transit.

Additionally, a zoning audit completed as part of the Master Plan noted that the Town's off-street parking regulations need to be overhauled and modernized to address current trends in land use, economic development, and transportation planning. The reduction in the number of spaces per unit for multi-family uses reflects the fact that these uses are located on major corridors where transit is accessible and the corresponding lack of demand for additional parking.

Connect Arlington, completed in 2021 and unanimously endorsed by the Select Board, includes the following vision and goals:

- Vision: "A system that reduces the climate impacts from travel in Arlington through sustainable roadway design and incentivizing reduction in drive-alone trips." Excessive parking supply, which can occur through zoning bylaws that require more parking than necessary for a development, increases environmental and climate impacts via stormwater runoff and urban heat island effects. Additionally, oversupply of parking is directly connected to increased amounts of driving and vehicle miles traveled (VMT).
- Strategy F.1.2.2: "Consider zoning amendments and incentives to reduce the need to drive, with parking maximums (not minimums), increased bike parking requirements, and other mechanisms."
- Strategy G.2: "Consider changes to parking regulations and policies that more effectively manage public on- and off-street parking throughout Arlington."
- Strategy H.4: "Analyze and track key data sets over time to inform transportation decision making and prioritization." One of the metrics is mode share, with the goal to reduce the percentage of commuters driving alone and increase the share of commuters bicycling and taking public transportation. Oversupply of parking works against this goal by incentivizing additional driving trips.

Overall, the proposed amendment is consistent with the goals of both the Master Plan and Connect Arlington.

A Warrant Article to amend the Zoning Bylaw has been filed by James Fleming and ten registered voters:

ARTICLE 42

ZONING BYLAW AMENDMENT / OPEN SPACE USES

To see if the Town will vote to amend the Zoning Bylaw to expand the allowed uses in the Open Space district; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

The petitioner provided the following:

That the Zoning Bylaw be and hereby is amended as follows:

- By making the following changes to the table, “Use Regulations for MU, PUD, I, T, and OS Districts” in Section 5.6.3:

Class of Use	MU	PUD	I	T	OS
Accessory Uses					
Temporary food or beverage concession for <u>or not for profit at an event</u>		Y	Y		SP <u>Y</u>
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y		SP <u>Y</u>
<u>Temporary outdoor recreation, for or not for profit</u>					<u>Y</u>
<u>Temporary cultural arts and/or entertainment activity for or not for profit</u>					<u>Y</u>

Background

The staff provide the following additional considerations relevant to this article:

Activation of Open Space and Support for Local Businesses:

Throughout the course of the pandemic, the Economic Development Recovery Task Force worked with the Select Board to relax requirements regarding temporary uses and activities in Arlington’s parks and open spaces to provide additional safe, outdoor venues where local businesses could continue their operations. In 2020 alone, the Temporary Outdoor Fitness and Arts permit program, which allowed fitness- and arts-related businesses in town to safely conduct classes outdoors in local parks, served 24 businesses and many more residents who accessed safe outdoor fitness and arts programs through it.

These allowances served as a temporary measure to support local businesses. At the same time, allowing non-profit and for-profit activity in parks and open spaces has resulted in additional placemaking, activation, and economic development benefits.

This amendment takes the temporary relief granted because of the pandemic and codifies it in the Zoning Bylaw, allowing temporary activities such as outdoor fitness classes, art classes, and performances to continue as the Town emerges from the pandemic. It relates to the prior work of the Economic Development Recovery Task Force, which is in support of these types of uses in Arlington’s public spaces and their continuation into the future.

A Warrant Article to amend the Zoning Bylaw has been filed by James Fleming and ten registered voters:

ARTICLE 43 ZONING BYLAW AMENDMENT / ZONING MAP AMENDMENT REQUIREMENTS

To see if the Town will vote to amend Section 1.5 of the Zoning Bylaw to modify or remove the requirement to notify abutters of a zoning map amendment; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

The petitioner provided the following:

That the Zoning Bylaw be and hereby is amended as follows:

- By making the following changes to Section 1.5 “Amendment”:

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c.40A, § 5. When a petition for a change in the zoning map is filed, such petition shall show that copies of the petition have been sent by registered or certified mail to all owners and immediate abutters of the land referred to in the petition.

Background

The staff provide the following additional considerations relevant to this article:

Section 1.5 has been in Arlington’s Zoning Bylaw since 1979, however abutter notices for changes to a zoning map are not a requirement under M.G.L. c. 40A, § 5. State law requires that notice of public hearings to be “published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing.”³

This proposed amendment clarifies who receives a notification of a petition for a change to the zoning map by expressly limiting notification to tenants in and owners of properties immediately abutting the affected parcel(s).

Two other Town processes require abutter notifications:

- Conservation Commission: A public hearing is held for each filing where an application is presented to the Conservation Commission by an applicant and/or their representative(s). Notification of the public hearing is mailed at the expense of the applicant to all abutters within 100 feet of the work area on the day of the filing of the application.
- The Good Neighbor Agreement (Article 7: Notice of Demolition, Open Foundation Excavation, Protected Tree Removal, New Construction, or Large Additions): this process requires owners of any building or who intends to complete a demolition, excavate an open foundation, engage in new residential construction, remove Protected Trees in advance of new residential construction, or build a large addition provide notification of the activity at least seven calendar days prior to beginning work or filing an application for a building permit to all abutters and current occupants within 200 feet of the site.

DPCD follows the notification requirements of M.G.L. c. 40A, § 11 for public hearings, which includes notifications to abutters within 300 feet of a property for which the ARB is holding a public hearing. An additional postcard is mailed to the same abutter list once the ARB has issued a decision to alert them of the beginning of the appeal period.

³ M.G.L. c. 40A § <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40a/Section5>

A Warrant Article to amend the Zoning Bylaw has been filed by James Fleming and ten registered voters:

ARTICLE 44

ZONING BYLAW AMENDMENT / RESTAURANT USES

To see if the Town will vote to amend the Zoning Bylaw to change the square footage threshold above which a restaurant use requires a special permit; or take any action related thereto.

(Inserted at the request of James Fleming and ten registered voters)

The petitioner provided the following:

That the Zoning Bylaw be and hereby is amended as follows:

- By making the following changes to the “Restaurant” class of use in the table “Use Regulations for Business Districts” in Section 5.5.3:

Class of Use	B1	B2	B2A	B3	B4	B5
Eating & Drinking Establishments						
Restaurant						
< 2,000 4,000 sq. ft. gross floor area	SP	Y	Y	Y		Y
=> 2,000 4,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP	SP	SP	SP	SP

Background

The staff provide the following additional considerations relevant to this article:

Uses allowed by right in the Business Zoning Districts:

The summary of uses allowed by right as described in the staff response to Article 40 (page 5) above is largely consistent with what is allowed in the B2, B2A, B3, and B5 districts. A number of uses in the Business Districts use size thresholds for determining whether a use is allowed by right or requires a special permit. Both restaurant and bank uses presently have a 2,000 square foot threshold, above which an owner must go through the ARB’s Environmental Design Review permitting process. This threshold is slightly more restrictive than for local retail and small professional, business, and medical offices, which have a 3,000 square foot threshold. It is slightly less restrictive than the 1,500 square foot threshold for fast-order foot restaurants and the 1,000 square foot threshold for manufacture, assembly, and packaging of goods.

Process for Opening a Restaurant / Additional Permitting Required:

While banks and restaurants have the same threshold for permitting, there are additional permitting processes required for restaurant uses beyond what is required of a bank or other commercial use. DPCD staff studied the standard process and approvals required to open a restaurant in Massachusetts to better understand the challenges a small, independent restaurateur faces. Outside of the Environmental Design Review permitting process (if required), an applicant must participate in three separate processes with the Select Board, Department of Health and Human Services (H&HS), and Inspectional Services (ISD).

- H&HS process: restaurants must submit a Food Establishment Plan Review Application. After a 30-day review period and potential site inspection, H&HS may issue a letter of conditional approval to start construction. When construction is complete, the applicant contacts H&HS with their Annual Permit to Operate Application for a final inspection. After H&HS completes the inspection, they deliver the Permit to Operate at the site inspection, if approved.
- ISD process: a restaurant looking to make any interior or exterior modifications to the building must submit a Building Permit Application to ISD. After a 30-day review and any necessary changes, ISD

will issue a permit to start construction. After construction is complete, the applicant schedules a final inspection with ISD. At that final inspection, the Building Inspector signs off on the building card on site, issuing a Certificate of Occupancy.

- Select Board process: restaurants with seating must apply for a Common Victualer License, and take-out restaurants must apply for a Food Vendor License through the Select Board. Applications are reviewed by DPCD, H&HS, ISD, and the Police and Fire Departments. The process takes approximately four to six weeks prior to the Select Board hearing. If the Select Board approves the final application, and if a Permit to Operate (see H&HS process above) and Certificate of Occupancy (see ISD process above) are also complete and submitted to the Select Board, a license is issued.

Additional and separate processes are required to obtain a beer and wine or all alcohol license, approval for outdoor sidewalk café dining, and any exterior signage. The above requirements apply no matter the size or type of restaurant use.

Restaurant Activity in Recent Years:

In the past decade, many restaurants have opened in Arlington or conducted renovations requiring the reopening of a docket. Below is information about a number of these locations, their size, and whether they were subject to review by a Special Permit Granting Authority:

Restaurant	Address	Square Footage	Seats	Special Permit Required
Common Ground	319 Broadway	5,266 sf	106 seats 96 seat function room	Yes, reviewed by the ARB
Twyrl	315 Broadway	1,100 sf	19 seats	No
Caffe Nero		5,327 sf (2,500 for café and kitchen)	77 seats	Yes, reviewed by the ARB
Adventure Pub	190-192 Mass Ave	7,343 sf	118 seats	Yes, reviewed by the ARB
Heights Pub	1314 Mass Ave	2,100 sf	73 seats	Yes, reviewed by the ARB and ZBA
Menotomy Tavern	25 Mass Ave	5,995 sf (4,500 sf restaurant)	135 seats	Yes, reviewed by the ARB
Boon Noon Market	161 Mas Ave	880 sf	20	No
Toraya	795 Mass Ave	1,200 sf	19	No
Breadboard Bakery	203 A&B Broadway	1,100 sf	20	No
Usushi Café	474 Mass Ave	800 sf	19	No

While this list is not comprehensive, what is notable is the absence of restaurants between 2,000 square feet and 5,000 square feet. Only one restaurant—the Heights Pub—has gone through discretionary review, and it was subject to review by both the ARB and the ZBA and many months of delay. While it is possible that this is a function of the available footprints of commercial spaces in town, it is worth considering the potential impact on a small to mid-size restaurant's return on investment when considering navigating through Arlington's special permit process, and whether the Town's current regulatory framework presents barriers that lead restaurants to consider opening in communities with fewer barriers instead.

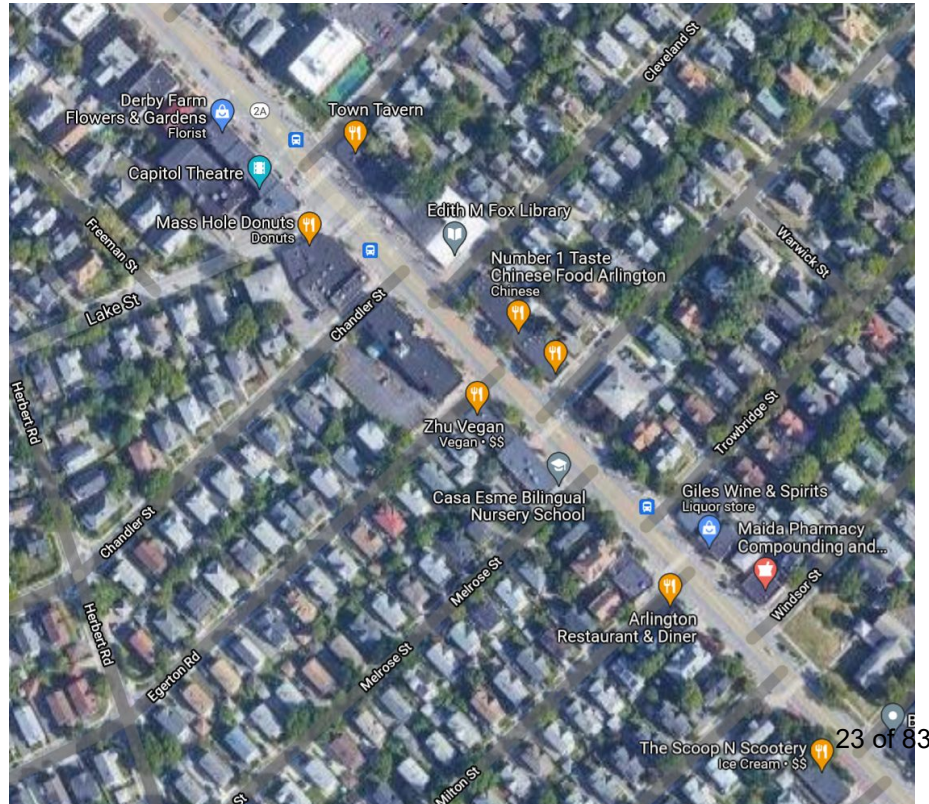
Consistent with the Redevelopment Board's goals: The proposed amendment is consistent with the ARB's goal of Advancing Zoning Bylaw amendments to future Town Meetings, specifically around considering zoning amendments to encourage commercial development along the Massachusetts Avenue and Broadway corridors. It additionally advances a recommended action of the Arlington Heights Neighborhood Action Plan to seek changes to local regulations to make it easier to open restaurants, as these are a major "wanted" element for the Heights.

Expand Business Districts

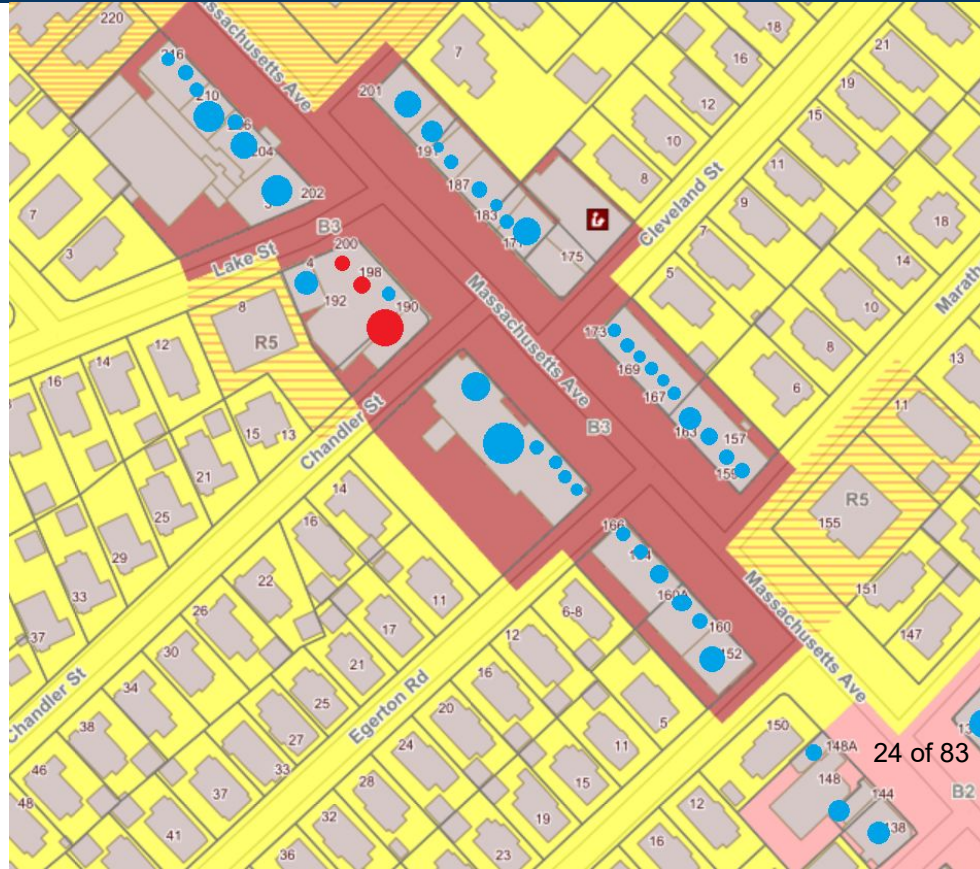
2022 Arlington Town Meeting

James Fleming

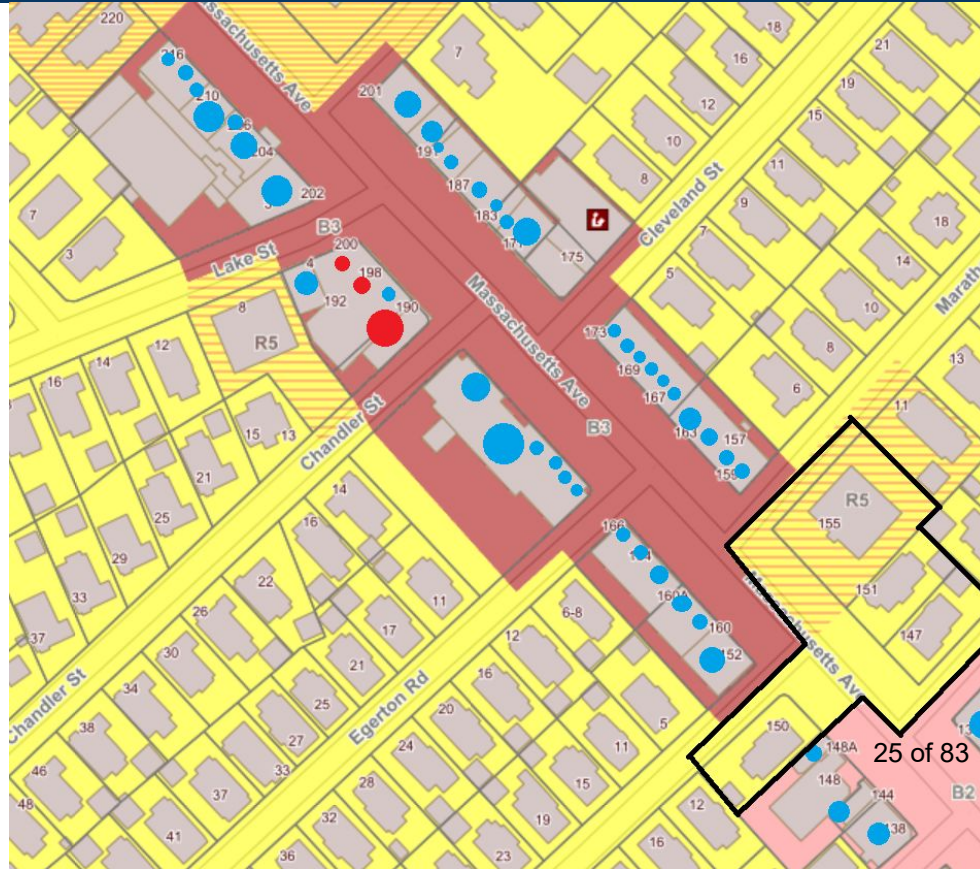
Capitol Square, East Arlington



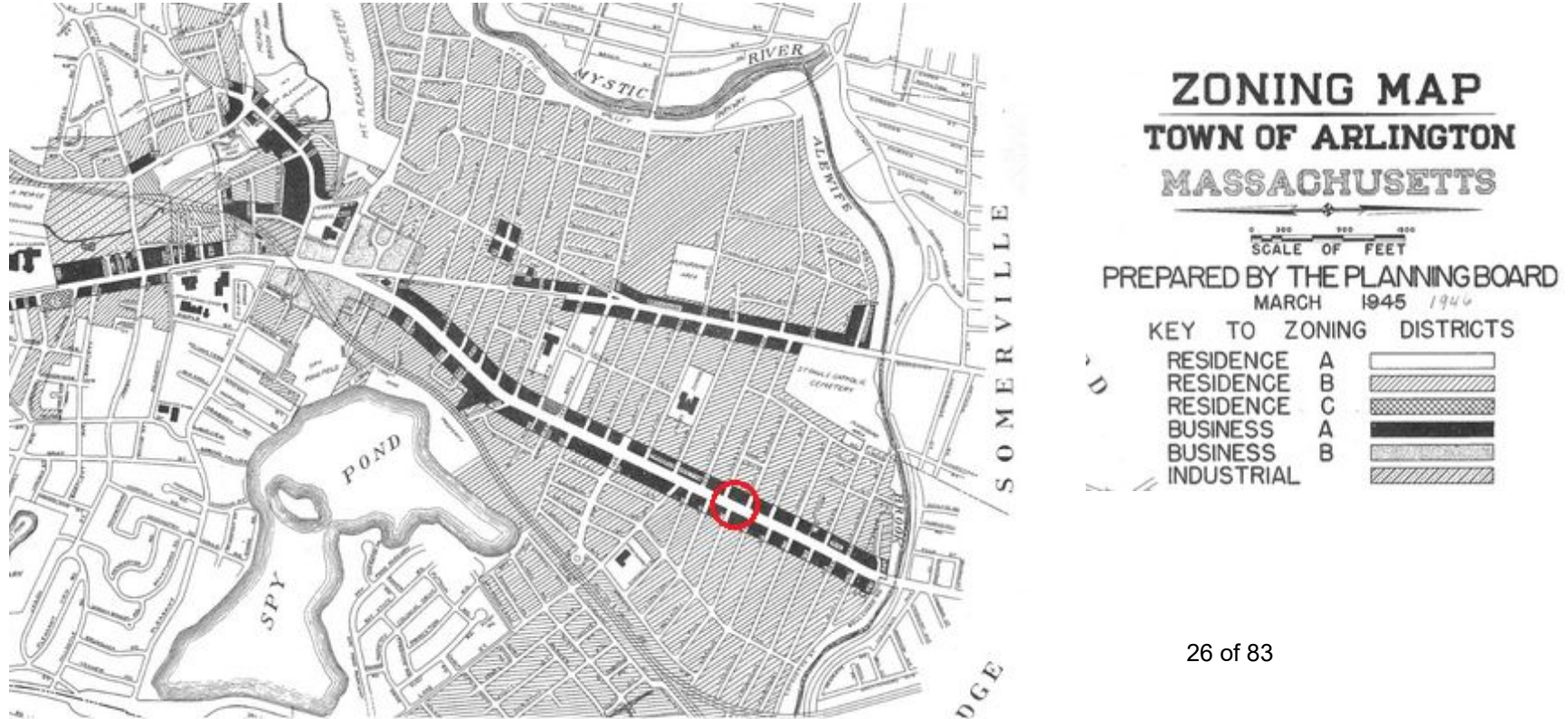
Capitol Square, Zoning & Occupied Storefronts



Capitol Square, Zoning & Occupied Storefronts



Background - Historical Business Zoning



Effects of Re-Zoning

- Would not create a non-conforming use
- Does not require owners to make changes
- Re-zoning would not affect assessed value

Address	Current Use	Allowed in Current Zone?	Allowed in B3?
155 Mass Ave	Apartments	Sp. Permit	Sp. Permit
151 Mass Ave	2-Family	Yes	Yes
150 Mass Ave	3-Family	No	Sp. Permit
147 Mass Ave	2-Family	Yes	Yes

Benefits of New Commercial Use



	155 Mass Ave
Land Area (acre)	1/3
Property Value (\$mm)	2.2
Value Per Acre (\$mm/acre)	7



	1331 Mass Ave
Land Area (acre)	1/8
Property Value (\$mm)	1.75
Value Per Acre (\$mm/acre)	28.0 of 83 14.7



	1332 Mass Ave
Land Area (acre)	1/13
Property Value (\$mm)	1.1
Value Per Acre (\$mm/acre)	14

Benefits of New Commercial Use

- One story commercial buildings can beat out eight-story apartment buildings

	Cedar Crest	Leader Bank
Land Area (acre)	1/2	1/18
Property Value (\$mm)	8.7	1.1
Value Per Acre (\$mm/acre)	17.6	19.3



Summary

- Creates opportunity for more business
- Does not increase taxes or require owners to make changes
- Commercial and mixed use put our land to better use

Apartment Parking Minimums

2022 Arlington Town Meeting

James Fleming

Background - Apartment Parking Requirements

- Single, two, and three family - 1 space per unit
- Apartments require > 1 space per unit

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling	1 space per dwelling unit
Apartment building	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 2 spaces per 3 or more bedroom dwelling unit, and 1 space per 5 units of public housing for the elderly.

Background - Car Ownership Rates

- 3/4 renters have one car or less
- 1/5 renters have no car at all

Arlington Vehicles Per Household, Renters

American Community Survey, 2010-2014

3+ Cars

3.0%

2 Cars

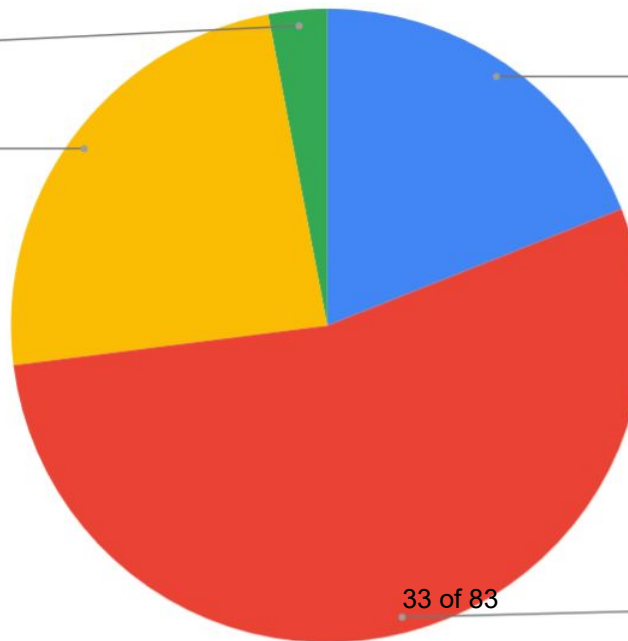
24.0%

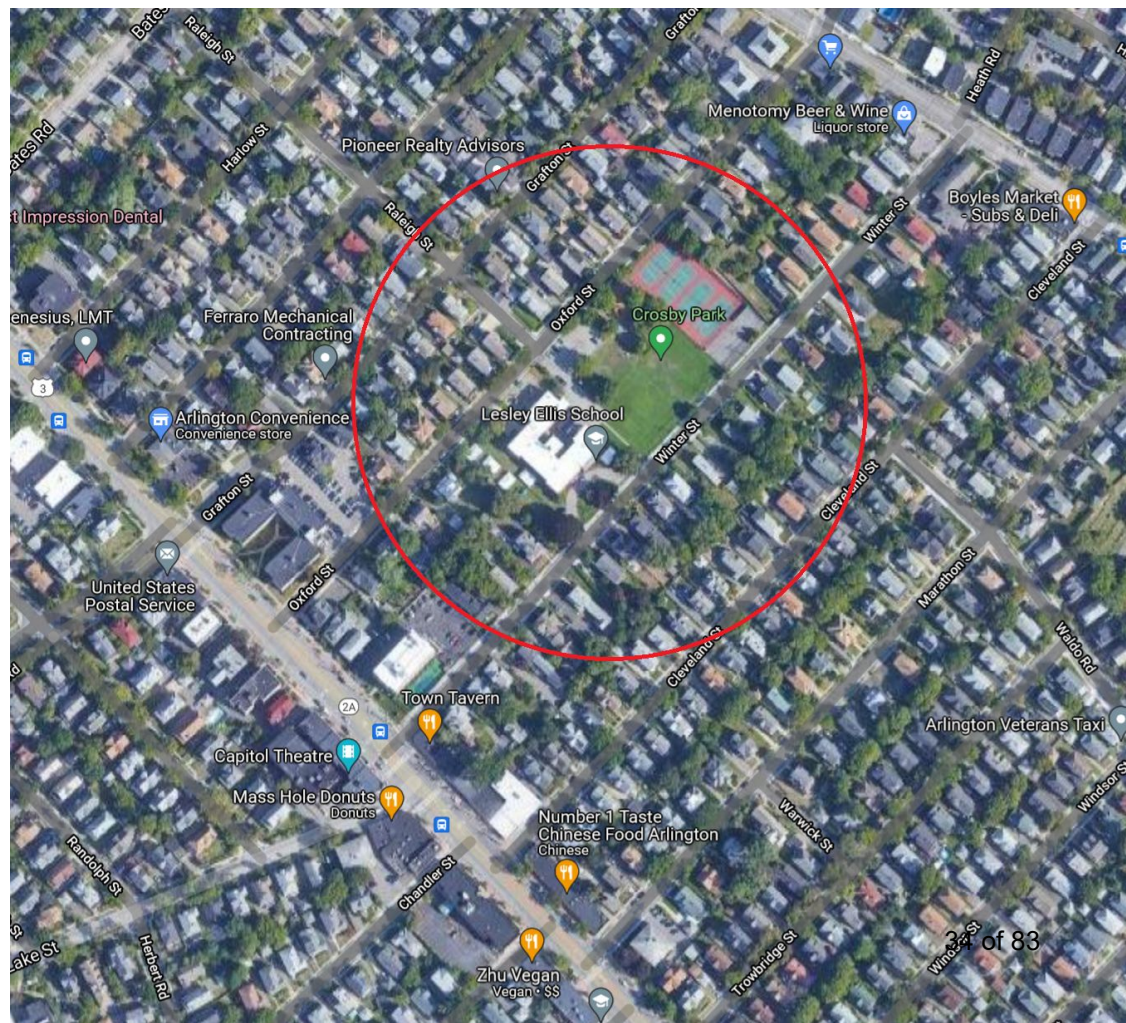
0 Cars

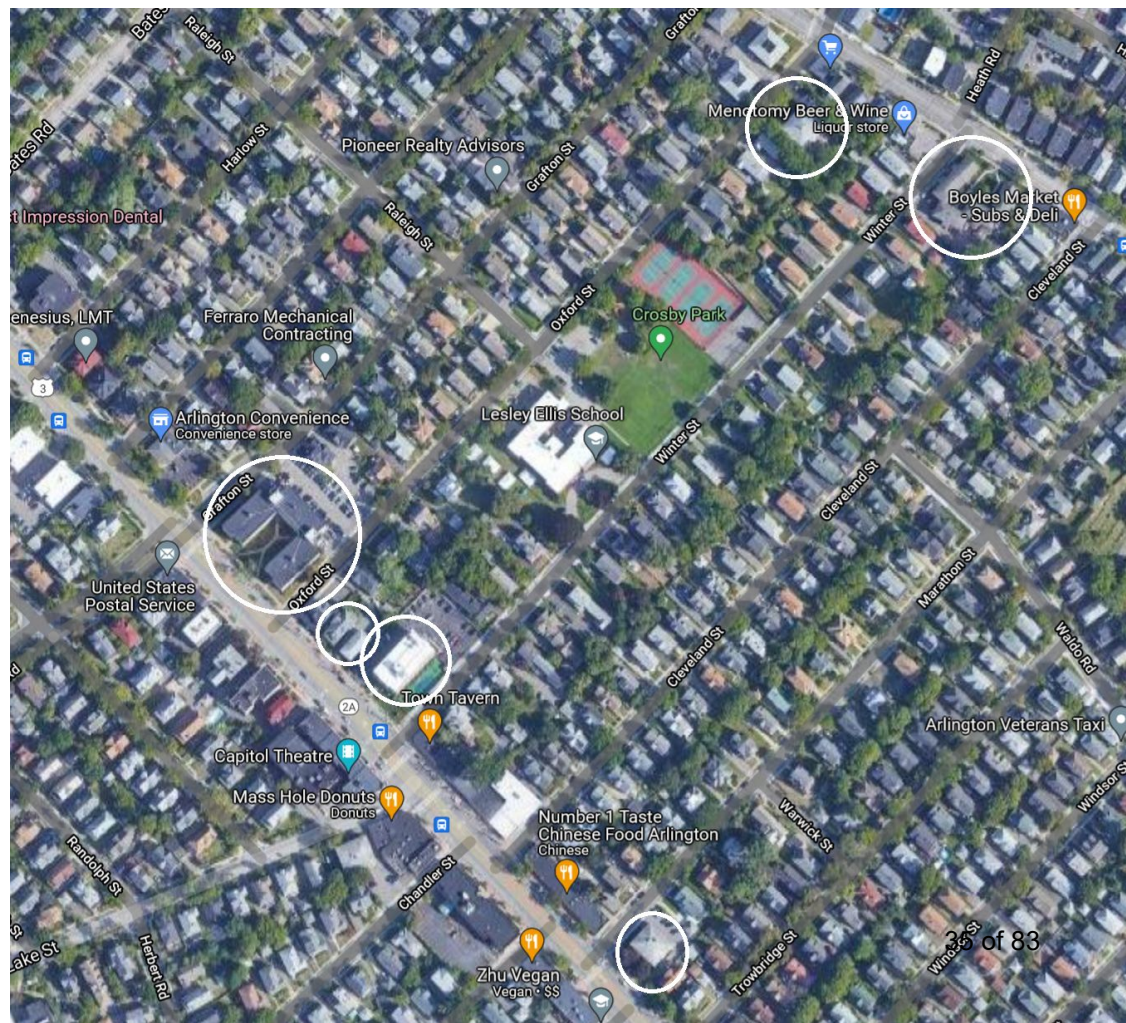
19.0%

1 Car

54.0%







Proposal: Require One Space Per Apartment

- Apartment buildings are required to have parking per apartment, based on # of bedrooms. Generally, more than one space per apartment.
- This proposal would reduce the requirements to one space per apartment

Use	Minimum Number of Spaces
Residential Uses	
Single-, two-, or three-family dwelling, <u>or Apartment building</u>	1 space per dwelling unit
<u>Apartment building</u> <u>Public housing for the elderly</u>	1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 2 spaces per 3 or more bedroom dwelling unit, and 1 space per 5 units of public housing for the elderly. 36 of 83

Background - Proposed Apartments

- 190 - 200 Mass Ave (old Christo's Market block) - 1/2 space per unit
- 882 - 892 Mass Ave (old Toraya block) - one space per unit

Background - Effects Of Parking Minimums

- Parking space is less valuable than living space
- Living space generates 80x the tax revenue of parking space

	Living Space	Parking Space
Total Area (sqft)	10,000	4,300
Assessed Value (\$)	1,320,000	6,800
Value Per Sqft (\$/sqft)	132	1.6



Background - Parking Construction Costs

- Parking costs money
- Must be maintained
- Cost gets passed on

	Low Estimate	High Estimate
Surface Parking (\$)	5,000	12,000
Basement Parking (\$)	30,000	38,000

Summary

- Apartment Buildings will only need to provide one space per unit
- 3/4 renters have 1 or fewer cars
- Excess parking makes property less valuable than it could otherwise be

Open Space Uses

2022 Arlington Town Meeting

James Fleming

Aeronaut Beer Garden - 2018, 2019



Photo credit: YourArlington, 2018



42 of 83

Photo credit: YourArlington, 2019

Proposal

- Allow outdoor recreation, cultural arts, and entertainment
- Allow food/beverage without an associated event

Class of Use	MU	PUD	I	T	OS
Accessory Uses					
Temporary food or beverage concession for <u>or not</u> <u>for profit at an event</u>		Y	Y		SP <u>Y</u>
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	Y	Y	Y		SP <u>Y</u>
<u>Temporary outdoor recreation, for or not for profit</u>					<u>Y</u>
<u>Temporary cultural arts and/or entertainment activity</u> <u>for or not for profit</u>				43 of 83	<u>Y</u>

Background - What Is A Special Permit?

- Special Permits are given by Zoning Special Permit Authorities, not Parks and Rec
- Takes about two months:
 - Two weeks of advertising
 - Public hearing
 - Time to write a decision
 - Public hearing to approve decision
 - 20-day appeal period, if approved

Class of Use	OS
Accessory Uses	
Temporary food or beverage concession for <u>or not for profit</u> at an event	SP <u>Y</u>
Fundraising event conducted by an Arlington based non-profit organization, with no automated amusements	SP <u>Y</u>
<u>Temporary outdoor recreation, for or not for profit</u>	<u>Y</u>
<u>Temporary cultural arts and/or entertainment activity for or not for profit</u>	<u>Y</u>

Title IV, Article 1 - Use of Areas Under Control Of Park Department

- No alcohol or undue noise
- No advertising without permission of Parks and Rec
- Parks and Rec can determine what can happen, and the rules an event must abide by

Summary

- Public space can be used to support local business and build community
- Allow more types of activity in parks
- Parks and Rec controls what, where, when of events.

Restaurant Uses

2022 Arlington Town Meeting

James Fleming



Special Permits For Restaurant Uses

Class of Use	B1	B2	B2A	B3	B4	B5
Eating & Drinking Establishments						
Restaurant						
< 2,000 sq. ft. gross floor area	SP	Y	Y	Y		Y
=> 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more		SP	SP	SP	SP	SP
Restaurant, Fast-Order Food						
< 1,500 sq. ft. in gross floor area		Y	Y	Y		Y
=> 1,500 sq. ft., and any restaurant that is principal use on lot greater than 10,000 sq. ft. or more		SP	SP	SP		SP
Restaurant, Drive-In Food Service					SP	
Catering service			SP	SP	Y	

SP -> Special Permit

Proposal - Fewer Special Permits For Restaurants

- Increase threshold from 2000 to 4000 sqft
- Common Ground - >2000 sqft
- Not Your Average Joes - 4400 sqft

Background - Special Permit Process

- Legal notice, public hearing(s), appeals period
- A “smooth” application might take about two months
- Town has wide latitude to ask for changes


Common Ground Special Permit

- Asked to reduce seating at the restaurant ^[1]
- Required to: ^[2]
 - Build a dedicated section on their website to show where to park
 - Soundproof parts of their restaurant
 - Restrictions on live music
 - More...
- Each hearing cost the owner \$10,000 ^[3]

[1] - [Arlington Advocate](#), July 2013

[2] - *Decision of the Board, Special Permit Docket 2911, August 20 2013*

[3] - [Arlington Advocate](#), August 2013



Restaurant A
3000 sqft

Special Permit Required

Restaurant B
1500 sqft

Restaurant C
1500 sqft

53 of 83
No Special Permit

Future Restaurants

- Residents and Town want restaurants and commercial space
- 3 current downtown vacancies couldn't change without a special permit ^[1]
- >500 business properties in total ^[2]

Plenty of opportunity, let's make it easier!

[1] [Current Commercial Vacancies](#), Town Website, December 2021

[2] [Assessor's Database](#), 2022 - Properties zoned B1-B5

Summary

- Restaurants under 4000 sqft will not require special permits, up from 2000
- Special Permits can be a burden for restaurants over 2000 sqft
- Plenty of opportunity for new restaurants



Town of Arlington, Massachusetts

Special Town Meeting - potential Zoning Warrant Articles

Summary:

9:30 p.m. Discussion regarding possible amendments to sign bylaw, family child care uses, and nonconforming single-family or two-family dwellings.

ATTACHMENTS:

Type	File Name	Description
▢ Reference Material	Agenda_Item_2- _Memo_to_ARB_re_draft_STM_warrant_articles_03-10-22.pdf	Memo to ARB re draft STM warrant articles 03-10-2022



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

TOWN HALL, 730 MASSACHUSETTS AVENUE
ARLINGTON, MASSACHUSETTS 02476
TELEPHONE 781-316-3090

MEMORANDUM

To: Arlington Redevelopment Board

From: Jennifer Raitt, Director of Planning and Community Development

Date: March 10, 2022

RE: Draft Warrant Articles for 2022 Special Town Meeting

A Special Town Meeting will occur during Annual Town Meeting on either May 9, 2022 or May 11, 2022. For your consideration and discussion on Monday, March 14, I offer the following proposed zoning amendments:

In 2018, as part of Zoning Recodification, the Board updated uses that meet the standards of the "Dover Amendment" in MGL 40A Section 3. The Board then issues Rules and Regulations for special review processes for these uses. Recently, the Town has received applications from family child care providers for a Special Permit. The only district which allows family child care uses by right is Planned Unit Development (PUD). Family Child Care programs are licensed by the Department of Early Education and Care. This type of early education and care takes place in a provider's home. There are three types of licensed Family Child Care programs:

- Up to 6 children: A licensed Family Child Care provider may enroll up to 6 children in their program if the children are within the required age limits.
- Up to 8 children: A licensed Family Child Care provider may enroll up to 8 children in their program without an assistant if at least 2 of the children are school age, if the other children are within the required age limits.
- Up to 10 children: A licensed Family Child Care provider may enroll up to 10 children in their program if there is an approved assistant working with them, and if the children are within the required age limits.

Staff recommend that this use be allowed by right in Residential, Business, and Multi-Use districts as follows:

ARTICLE ____ ZONING BYLAW AMENDMENT/ FAMILY CHILD CARE

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, and Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS DISTRICTS to allow family child care as an allowable use by right in all Residential, Business, and MU districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

In 2019, the Redevelopment Board amended the sign regulations in the Zoning Bylaw. At that time, the Town was not part of the regional BLUEBikes bikeshare program and had not considered private electric vehicle charging stations. With the Town's participation in the bikeshare program, each docking station requires space for signage. Similarly, private electric vehicle charging stations have approached the

Town to install stations with signage. In both cases, the signage would be considered advertising. In neither case would these signs be allowed under our current Zoning Bylaw.

Staff recommend that an exemption be created for these types of signs as follows:

ARTICLE ____

ZONING BYLAW AMENDMENT/ SIGNS

To see if the Town will vote to amend the Zoning Bylaw to update Section 6.2.3 General Restrictions for All Signs to allow an exemption for signage located at shared mobility stations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

As part of the Zoning Recodification in 2018, following an audit by a land use attorney, the Town removed sections of the Zoning Bylaw that conflicted with State law or recent case law. In 2020, Superior Court ruled on the case *Henry W. Comstock, Jr., Trustee and another v. Zoning Board of Appeals of Gloucester and others* which affirms protections granted to owners of single-family and two-family properties regarding pre-existing nonconformities. Section 8.1.3 C. conflicts with this ruling. In consultation with Town Counsel, we recommend that Section 8.1.3 C. of the Zoning Bylaw be removed as it creates additional burdens on owners seeking to renovate or alter a pre-existing nonconforming property.

ARTICLE ____

ZONING BYLAW AMENDMENT/

NONCONFORMING SINGLE-FAMILY OR TWO-FAMILY DWELLINGS

To see if the Town will vote to amend the Zoning Bylaw to update Section 8.1.3 Nonconforming Single-Family or Two-Family Dwellings to strike 8.1.3 C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)



Town of Arlington, Massachusetts

Correspondence Received

Summary:

Correspondence received from:

M. Rizkallah 2-25-2022
L. Maida, Maida Pharmacy 3-2-2022
N. Mann 3-5-2022
D. Seltzer 3-6-2022
E. Pyle 3-6-2022
P. Parise 3-6-2022
B. Kun 3-7-2022
C. Carney 3-7-2022
C. Cunningham 3-7-2022
E. Cahill 3-7-2022
J. Weber 3-7-2022
L. Vivenzio 3-7-2022
S. Blagden 3-7-2022
A. Hollman 3-8-2022
J. Weber 3-8-2022
R. Peterson 3-8-2022

ATTACHMENTS:

Type	File Name	Description
Reference Material	Article_F_-_Rizkallah_Support_Letter_-_150_Mass_Ave_Rezoning.pdf	Correspondence from M. Rizkallah received 02252022
Reference Material	Article_F_-_Maida_Pharmacy_Letter_re_Rezoning.pdf	Correspondence from L. Maida received 03022022
Reference Material	Correspondence_from_N._Mann_received_3-5-2022.pdf	Correspondence from N. Mann received 03052022
Reference Material	Correspondence_from_D._Seltzer_received_3-6-2022.pdf	Correspondence from D. Seltzer received 03062022
Reference Material	Correspondence_from_E._Pyle_received_3-6-2022.pdf	Correspondence from E. Pyle received 03062022
Reference Material	Correspondence_from_P._Parise_recieved_3-6-2022.pdf	Correspondence from P. Parise received 03062022
Reference Material	Correspondence_from_B._Kun_received_3-7-2022.pdf	Correspondence from B. Kun received 03072022
Reference Material	Correspondence_from_C._Carney_received_3-7-2022.pdf	Correspondence from C. Carney received 03072022
Reference Material	Correspondence_from_C._Cunningham_received_3-7-22.pdf	Correspondence from C. Cunningham received 03072022
Reference Material	Correspondence_from_E._Cahill_received_3-7-2022.pdf	Correspondence from E. Cahill received 03072022
Reference	Correspondence_from_J._Weber_received_3-7-	Correspondence from J. Weber

▢	Material	2022.pdf	received 03072022
▢	Reference Material	Correspondence_from_L._Vivenzio_received_3-7-2022.pdf	Correspondence from L. Vivenzio received 03072022
▢	Reference Material	Correspondence_from_S._Blagden_received_3-7-2022.pdf	Correspondence from S. Blagden received 0307022
▢	Reference Material	Correspondence_from_A._Hollman_received_3-8-2022.pdf	Correspondence from A. Hollman received 03082022
▢	Reference Material	Correspondence_from_J._Weber_received_3-8-2022.pdf	Correspondence from J. Weber received 03082022
▢	Reference Material	Correspondence_from_R._Peterson_received_3-8-2022.pdf	Correspondence from R. Peterson received 03082022

FROM THE DESK OF

Dr. Mouhab Zakhari Rizkallah

Feb 25, 2022

TO: The Arlington Redevelopment Board

RE: 150 Mass Ave, Arlington

Dear Arlington Redevelopment Board,

I am the owner of the property at 150 Mass Ave, Arlington.

This letter is in support of the proposed zoning map amendment (Article F: Expand Business Districts).

I appreciate the proponent's dedication to his neighborhood, and am perfectly fine with the map change to B3.

Respectfully Yours,



Dr. Mouhab Z Rizkallah

From: Lawrence Maida <lamaida@maidapharmacy.com>
To: jraitt@town.arlington.ma.us
Date: 03/02/2022 12:47 PM
Subject: Article F zoning map ammendment

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Maida Pharmacy Compounding is opposed to the rezoning from residential to proposed B3.

1. Parking
- 2.competition
- 3.been here since 1933 now a 4th generation
- 4.we been here for 90 yrs.
5. I talked to to neibors say NO

From: Nora Mann <noramann2@gmail.com>
Date: March 5, 2022 at 3:29:37 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: ARB Meeting 3/7/22 Proposed Warrant Article re: Two Family

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Dear Ms. Raitt and Members of the Arlington Redevelopment Board:

I write in support of the proposal, being presented to the ARB on Monday, 3/7/22 by Annie LaCourt and Laura Weiner to allow two-families to be built by right in these areas; no other changes to lot size, frontage, height, setbacks, or open space requirements. I need not repeat the proponent's arguments, though they appear to be sound and comprehensive. My perspective is as a longtime resident, former longtime member of the ARB, former longtime (and hopefully future) member of TM (pct 20) and advocate for housing access and equity. I know, as you do, that there is no single solution to the housing crisis - here in Arlington or regionally. This proposal should be put before TM and as a member of TM I will support its passage.

It is one tool in a multi-pronged effort to increase supply and, over time, address access and costs. The impact will be incremental, we will not see any immediate or overwhelming change in our neighborhoods. My house - a single family - won't suddenly become multi family nor will I be required to sell - at the appropriate time - to a developer.

It offers options, and supports a more fulsome discussion about how to address housing and equity in our community. I look forward to an opportunity to be a part of that conversation and I appreciate your consideration of this important topic.

Sincerely,

~n

--

Nora Mann (she, her, hers)
339-368-0495

From: Don Seltzer <timoneer@gmail.com>
Date: March 6, 2022 at 4:12:15 PM EST
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Subject: Correspondence regarding Warrant Article 38

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TO: Arlington Redevelopment Board

In preparation for the hearing on this article, I would like to provide the Board with a simple summary of fuseful acts regarding the makeup of our R0 and R1 single family zoning districts. The numbers are based upon both the 2020 US Census and our local Assessor's database.

If there are any questions regarding this summary I would be pleased to provide further explanation and spreadsheet listings of all properties and their classification.

Don Seltzer

R0 and R1 Fact Sheet**39%**

Just 39% of Arlington's housing is single family. 61% consists of two family or more.

38%

Single family homes in R0 and R1 comprise just 1240 acres, which is only 38% of Arlington's land area

Diverse

The R1 district is Arlington's most diverse. Besides single family homes, it includes more than 600 multifamily households. It includes all of our schools and their playgrounds. It includes our churches and cemeteries. Town Hall, Robbins Library, two fire stations, and other municipal buildings are in R1, as well as Dept of Conservation and Recreation land. No other district approaches this level of diversity.

#12

Among the 351 cities and towns in the Commonwealth, Arlington ranks #12 in housing density. We are the 2nd densest town and denser than 2/3 of all cities.

From: Elizabeth Pyle <elizabeth.m.pyle@gmail.com>

Date: March 6, 2022 at 12:52:42 PM EST

To: Jenny Raitt <JRaitt@town.arlington.ma.us>, Eugene Benson <EBenson@town.arlington.ma.us>, klau@town.arlington.ma.us, srevilak@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, rzsembery@town.arlington.ma.us

Subject: Proposed Article 38, two-family construction allowed by right in R0 and R1 zones

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Dear Members of the Redevelopment Board,

I am writing to request that you vote "No Action" on proposed Article 38, which would allow two-family construction by right in the R0 and R1 Residential Zoning Districts. This article would have detrimental unintended consequences for our Town, and it will not increase affordable housing.

By way of introduction, I am a land use and zoning attorney at Hill Law, with more than 20 years experience in residential zoning matters. My law firm regularly consults with municipalities to advise them on affordable housing issues, including by serving as special Town Counsel on affordable housing matters.

I was also a member of Arlington's Residential Zoning Study Group (the "RSG") for its entire three-year existence, from 2016-2019. The RSG was formed through a Town Meeting resolution to study the impacts of new construction on the residential zoning districts, and to recommend potential zoning changes. The RSG viewed Arlington neighborhoods with large numbers of teardowns/rebuilds, and received input from developers, residents, realtors and members of Inspectional Services. RSG members developed a consensus that many proposed zoning changes could easily have negative unintended consequences, and that it was important to study and debate any proposed zoning changes with all stakeholders.

My single biggest take-away from serving on the RSG was that single-family houses located in the 2-family residential districts were specially targeted for teardown/rebuilds, and that this was detrimental to Arlington from a public policy perspective. On the RSG, I learned that mid-level or more affordable single family "starter homes" in Arlington were often subject to teardown/rebuilds when they could be replaced with a two-family home at the same location. However, the newly-built two-family homes were vastly more expensive than the homes they replaced, leading to an increase of luxury units at the highest price points. For example, it was not uncommon for a single-family home to be sold for \$600,000-\$700,000 only to be replaced by two units in a duplex selling for \$900,000 to \$1 million each. This replacement of less expensive homes with luxury units increases our affluent population, puts upward pressure on the valuations of nearby homes, and ultimately makes our community less affordable. It also decreases housing choices in the mid-level market. Over time, the increase in home values also raises property taxes for the surrounding residences, putting additional burdens on seniors and other lower-income residents, further creating conditions that drive out lower-income people from our community.

Also when I was on the RSG, I saw that new two-family homes in Arlington are constructed to the maximum size of the building envelope permitted under the Bylaw, in order to increase developer profit and accommodate the square footage necessary for two units. This causes a loss of green space, yards, and mature trees in our residential districts, which makes our community less resilient to flood storage and climate change impacts.

If proposed Article 38 was implemented, increasing gentrification and loss of green space would occur throughout the R0 and R1 districts, instead of just in those few locations where a single family house is

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located in a R2 zone. The consequences of such impacts are serious and wide-ranging, and should not be endorsed by the Redevelopment Board without significant study, community outreach and professional analysis. For example, Article 38 should not be recommended without consultation with Arlington's Finance Committee, so that the impact on the school population and budgetary overrides can be assessed.

What the proponents of eliminating single-family housing appear not to appreciate is that Arlington, as an individual town, cannot be separated from the supply and demand of the housing market in the greater-Boston metropolitan area. If Arlington builds more two-family housing, it will be only for affluent buyers of luxury units who will move to Arlington from surrounding communities because of the highly-rated school system and desirable location close to Boston. No matter how many new duplexes are built, it will not increase affordable housing in Arlington, because the regional demand for luxury units in greater-Boston will drive the market.

Arlington also should not be the first and only "test case" for eliminating single-family housing in Massachusetts. Instead, legislation recently signed by the governor shows a way forward to increase multi-family housing on a regional basis, by requiring all communities served by the MBTA to enact multi-family zoning near public transportation stations. The new legislation equitably asks all municipalities to add some density as part of a regional solution to the housing crisis, without the burdens of going it alone or being first. Arlington should give this new legislation a chance to work before adopting untested measures like eliminating single-family housing.

For these reasons, I urge you to vote "No Action" on Article 38.

Sincerely yours,

Elizabeth Pyle
66 Gloucester Street
Arlington, MA 02476
Town Meeting Member, Precinct 8

Begin forwarded message:

From: Paul <paul456x@gmail.com>
Date: March 6, 2022 at 6:41:24 PM EST
To: Jennifer Raitt <jrait@town.arlington.ma.us>
Cc: Eugene Benson <EBenson@town.arlington.ma.us>, Kin Lau <KLau@town.arlington.ma.us>, Melisa Tintocalis <mtintocalis@town.arlington.ma.us>, Rachel Zsembery <RZsembery@town.arlington.ma.us>, Stephen Revilak <srevilak@town.arlington.ma.us>
Subject: **Warrant Article 38 Comment**

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Please note my comment below regarding the review of Article 38 by the Redevelopment Board at the upcoming March 7th meeting..

Please add this communication to the correspondence received for this meeting and any other consideration of proposed Warrant Article 38.

Thank you.

ARTICLE 38
ZONING BYLAW AMENDMENT / TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES

I have lived here for more than 40 years.

I chose to purchase and live in a single family neighborhood. I moved here from a multi-family neighborhood in the city.

In my opinion, this article takes away my right to continue to live in a neighborhood of my choosing (i.e., single family)

This article reduces the number of housing choices in Arlington.

As I understand, of the total Arlington housing stock available, only 39% are single family residences. The majority of our residences are multi-family.

Many single family lots are non-conforming and not suitable for two- or multi-family dwellings without potentially imposing significant quality of life issues for the abutters, including loss of light, loss of privacy, and other infringements on the quiet enjoyment of our existing property.

I urge the Board to REJECT this proposed warrant article.

In addition, with respect to process, I do not understand the issues, if any, that may arise with the board hearing a citizen's article that includes a member of the board as one of the article's sponsors/supporters. I would expect that that board member may recuse him/herself from voting on such an article to avoid any appearance of impropriety, if necessary.

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Sincerely,

Paul Parise
106 Hemlock St.

From: Beth Kun <beth.kun@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us, eric@ericforselectboard.com
Date: Mon, 7 Mar 2022 09:53:23 -0500
Subject: Concern about zoning changes

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Dear ARB ---

I am writing to you as a homeowner and concerned resident of Arlington. I worry that the proposal seeking to end single-family zoning will begin to change this town into urban sprawl.

This very thing happened in the Virginia town where I grew up. After the zoning rules changed, formerly quiet neighborhoods became a patchwork of smaller original houses and newer, larger buildings with parking spaces that took up entire yards. The greenspaces ebbed away, and a town that had previously served as a respite from urban life became filled with traffic and stress and lost all its personality. My town became more and more urbanized in an attempt to supply the growing population with the infrastructure required to support it.

I never go back to my home town because it has lost everything that made it livable and desirable.

Currently, Arlington has a range of neighborhoods with very distinct personalities. This is what gives the town its flavor, interest and value. Please do not squander the things that make this town special.

I ask that my comments be added to the minutes of tonight's meeting.

Thank you!
Beth Kun

From: Chuck Carney <chuckcarney@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, sreivilak@town.arlington.ma.us, rzsembery@town.arlington.ma.us
Date: Mon, 7 Mar 2022 13:34:50 -0500
Subject: Against Article 38

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Hi, I would like to offer my view on this article as you consider it's adoption.

If the goal for increasing affordable housing, I do NOT think Article 38 is the answer. Here are some reasons why:

- As we know, half of a house in Arlington is currently in the 800k+ range, which is not an affordable price for those in need of housing
- The article will accelerate the pace of "tear downs" to reap profits for developers, but not solving the affordable housing challenge
- These accelerated tear downs have many detrimental effects, except for developers. Those include
- Environmental and loss of green space, even with town regulations which can be bypassed by paying into a town tree fund
- Straining of public services, especially schools with the increase. While some may think the schools can handle it, there are challenges with recent spikes would only be exacerbated with this change
- Changing of the town landscape with the creation of more large "McMansions", already a concern for many and may be a matter of taste, but folks living here can have an opinion about their proliferation
- The increase of cars which will result from 3-4 person per dwelling, and for many, who cannot get access to the T / Alewife easily. Articles are being proposed to change on-street parking regulations, which fundamentally changes the feel of the town
- And more...

To address affordable housing, let's focus on supporting the Housing Corp of Arlington. And while some may think this topic was properly analyzed in the Housing Implementation Plan, it did not receive the transparency and participation necessary to fully represent the community and get feedback on concerns.

I think this article is very controversial and divisive and it was poor judgement to bring it forward without fully appreciating the issues it will cause.

Chuck Carney
2 Kimball Road

From: Colleen Cunningham <colleenpattypaige@gmail.com>
To: EBenson@town.arlington.ma.us, KLau@town.arlington.ma.us, mtintocalis@town.arlington.ma.us, srevilak@town.arlington.ma.us, Rachel Zsembery <rzsembery@town.arlington.ma.us>
Cc: Jenny Raitt <JRaitt@town.arlington.ma.us>
Date: Mon, 7 Mar 2022 06:59:20 -0500
Subject: opposition to the elimination of single family zoning in Arlington (Article 38)

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Good morning Jenny and ARB members,
Please include this letter in the official correspondence received for the upcoming hearing concerning Article 38 regarding the elimination of single family zoning.
Please confirm the inclusion of this letter for Monday night's meeting March 7, 2022

thank you,
Colleen Cunningham
Kensington Park

Opposition to elimination of single family zoning in Arlington (Article 38)

This warrant will have many detrimental results for the town. It will allow, over time, the elimination of all single family homes. It incentivizes developers and outside speculators to buy all single family homes, regardless of size and beauty of architectural styles, and tear them down to build as many “luxury” residences as they are allowed. It will only drive prices upward and will eliminate real choice.

Who benefits? No one but the property development/real estate industry. It certainly does not benefit current residents/taxpayers who chose their neighborhoods for a bit of green space/views/yards. It unethically breaks the implicit agreement with the town to live in a particular type of neighborhood made when the current owners purchased their homes. It certainly does not benefit potential future residents who seek to purchase a single family home in a suburb, but instead only will have the choice of a condo or apartment. The result will be a lack of diversity of housing styles as only modern condos and other multifamily housing will be available. Imagine our beautiful town without the architecture of various time periods anymore because the houses will be tragically torn down.

A result of eliminating single family or any other residential zoning may be property tax overrides for infrastructure, school buildings and services. It adds to the problem of increasing number of cars and traffic congestion, not to mention the environmental impacts of tearing down existing homes and trees.

I prefer preservation of Arlington's existing homes and open spaces rather than encouraging destructive tear downs in residential neighborhoods. The existing Arlington is the one I love and have lived in for my entire life.

Colleen Cunningham
Kensington Park

From: <eileentighecahill@gmail.com>
To: <EBenson@town.arlington.ma.us>, <KLau@town.arlington.ma.us>, <mtintocalis@town.arlington.ma.us>, <srevilak@town.arlington.ma.us>, <rzseberry@town.arlington.ma.us>
Date: Mon, 7 Mar 2022 14:05:00 -0500
Subject: Proposed Town Meeting Article 38

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Dear Arlington Redevelopment Board Members,
Please include my comments in the public record. Thank you.

I am writing with serious concern over proposed Town Meeting Article 38. I urge you to reject it.
I am writing to you as a concerned Arlington resident. Town Meeting Article 38 does not consider the significant impacts a change to zoning would have on the town's infrastructure. Not considering impacts to infrastructure is irresponsible to the Town's finances and the health of the townspeople.
Changing the zoning to allow two family construction throughout the town is mind-blowing to me as a civil engineer. Sizing of infrastructure is all based on zoning. For example, when designing a sewer, an engineer looks at the zoning to determine how much flow will go to the sewer. The engineer counts the number of lots, and estimates flow per lot based on the likely number of bedrooms per lot. The sewer pipe is sized based on the estimated flow (which is based on the town zoning). Sewer pumping stations are based on estimated flows (which is based on zoning). The wetwells in a sewage pumping stations are designed to hold the proposed amount of wastewater, and pump efficiently to draw down the wastewater in the wetwells to convey the wastewater to the sewage force main. The wetwells, pumps and force main are all based on estimated wastewater flow (which is based on zoning). Increasing flow to the town sewage pumping stations would strain the pumps and the sewage force mains.
It would be completely irresponsible for the town to significantly change its zoning without considering impacts to infrastructure. The Town of Arlington already has failing water, sewer and roadway infrastructure, based on the age of the town's infrastructure. Trenchless sewer repairs are happening all over town, likely to reduce infiltration to aged and broken pipes. Trenchless sewer pipe lining repairs do not increase the size of sewers. The DPW has at least 25 locations of "Trouble Spots" to check for sewer issues. The Town's system is old and in need of attention. That is to be expected, and it is wonderful we have a conscientious public works department to maintain our system. But, how can you increase flow without looking at the town's infrastructure?
This Town Meeting Article is intended to increase the town's population. How will the increased sewage flow be conveyed safely, so there are not sewage back-ups in basements, or back-ups into the streets through sewer manholes?
Water mains are sized the same way. It is based on the zoning. How will clean drinking water be safely conveyed throughout town without tremendous financial strain to the town of infrastructure upgrades?
Another consideration is the roads. The roads would have increased traffic, and more pavement issues to repair and rehabilitate.
Finally, trash disposal would be an issue. The Town already has a very bad rat infestation problem.
I urge the ARB to reject this Town Meeting Article. It is irresponsible to not consider impacts to the Town's infrastructure, and the costs associated with those impacts.
Please contact me with any questions you may have. I can be reached by email or phone at 617-335-8455.

From: david weber <jawdbw@yahoo.com>
To: "ebenson@town.arlington.ma.us" <ebenson@town.arlington.ma.us>, "klau@town.arlington.ma.us" <klau@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, "cawagner@hotmail.com" <cawagner@hotmail.com>
Date: Mon, 7 Mar 2022 15:14:31 +0000 (UTC)
Subject: Article 38

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Dear Members of the ARB,

I would like to oppose the Article 38 which states changing single family zoning to multi family zoning.

People who live in single family homes are in areas which they prefer because of the open space. When you allow multi-family dwellings you are increasing traffic and parking.

Making two family homes does not help the low income market at all so you are keeping people from affordable housing. Rentals in Arlington are sometimes, most often, more than a mortgage which only helps the home owner, not the renter. Using this rationale as a way to change zoning is deceptive at least.

Some of you make single family owners feel guilty because they prefer to live in their single family homes. I know this because I tried to change my street back to its original single family zoning and was admonished by one of your members who shall remain anonymous.

My street has already been impacted by this zoning and has turned a single family into a two family dwelling with no design qualifications which fit in with the rest of the homes. It has a sparkling cinder block wall while all other walls are more colonial looking structures.

Please reconsider your Zoning Article 38 as it disenfranchises current single family homeowners and their neighborhoods.

The recent movement out of Arlington has been because of the poor Planning Board and ARB regulations which do not help the reason for those of us who moved to this town in the first place, not to mention the higher taxes.

Sincerely,
Janice A. Weber
Precinct 21

From: lah-rah veevy <veewoolfie@yahoo.com>
To: "EBenson@town.arlington.ma.us" <EBenson@town.arlington.ma.us>, "KLau@town.arlington.ma.us" <KLau@town.arlington.ma.us>, "mtintocalis@town.arlington.ma.us" <mtintocalis@town.arlington.ma.us>, "srevilak@town.arlington.ma.us" <srevilak@town.arlington.ma.us>, "rzsembery@town.arlington.ma.us" <rzsembery@town.arlington.ma.us>, "eric@ericforselectboard.com" <eric@ericforselectboard.com>
Date: Mon, 7 Mar 2022 14:23:30 +0000 (UTC)
Subject: COMMENT: Concern for Housing Article

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Dear ARB ---

As a homeowner, a parent, and a resident of Arlington, I am writing to express my deep concern with the proposal seeking to end single-family zoning and allow 2-families in all single-family districts.

The proposal will cause stress on the current infrastructure, make it more difficult to park, cause more traffic, and also reduce green and open space in Arlington. Neighborhoods will continue to (more so than they already are) morph into a crowded hodgepodge of multi-family units mixed in with single-family homes. Not passing this Article will help preserve the integrity of the neighborhoods that currently exist in town.

I respectfully request that my comment be added to the record at tonight's meeting on this topic held on 3/7/2022.

Thank you, Laura Vivencio

From: STEPHEN B <srbz@aol.com>
To: rzsemlery@town.arlington.ma.us, KLau@town.arlington.ma.us, Eugene Benson <EBenson@town.arlington.ma.us>, MTintocalis@town.arlington.ma.us, Steve Revilak <steve@srevilak.net>
Cc: jraitt@town.arlington.ma.us
Date: Mon, 7 Mar 2022 12:12:55 -0500
Subject: Article 38 - Two Family Agenda item comments

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March 7, 2022

Re: Article 38 - Two Family

Chair and Board members,

This article proposes to add "TWO FAMILY CONSTRUCTION ALLOWED BY RIGHT IN R0 AND R1 RESIDENTIAL ZONES".

Allowing two units per lot in single family zones was already done last year with the ADU bylaw, with many of the same rationales used for this one.

Prudence and good Planning practice would be to wait 5 or 10 years or so to see how adding second units in the single family zone is working before expanding the scope and impact.

Article 38 actually quadruples down and incentivizes rapid change in single family neighborhoods.

Advertised as replacing one single family with a two family/duplex, the change would allow, by-right, a two family and two Accessory Dwelling Units, for a total of four dwelling units where there is now one.

Article 38 incentivizes rapid change because it creates great profit potential by tearing down most any non-pristine home and replacing with two large, expensive units, possibly including two additional income units to raise the price even more. It is common practice for builders to solicit people to sell homes to them. The higher profit potential created by Article 38 will increase this practice, increase the selling price of existing homes and further price out middle income buyers.

The State of California recently allowed, by-right, building of four units where a single family currently exists.

Filling the gap of home owners who want to tap into the profit potential but can't afford it, companies have started offering profit sharing, where a developer will build the units, the owner gets to stay, and the owner gets 80% of the profit. See here:

<https://www.homestead.is>

There is no reason that could not happen in Arlington, weakening the argument that change will occur very, very, slowly.

The memo presents the change as a benefit to property owners.

The greater benefit actually goes to builders, developers and house flippers.

If you look at building permits for new construction and major remodels, the vast majority are issued to builders or development companies that have purchased and demolished existing homes.

The large increase in value and utility did not go to the original property owner but to the builder/developer.

There is nothing wrong with what the builder is doing. They are operating in the framework the town provides for them.

It is up to town government, and elected and appointed officials to ensure development does not change the character of the town beyond what the residents want.

That these teardowns and new construction happen so easily points to a deficiency in the Special Permit process.

Someone adding 1000 sf to a 2000sf house needs to get a Special Permit, but someone tearing down the same 2000 sf house and building a 4000sf house, no problem, even though the same or greater effects occur that the Special Permit process exists for, but I'll leave that topic for another time.

77 of 83

The Memo and Presentation use an Orwellianish logic that removing single family housing increases choice for housing seekers. Buyers have a choice now of single family, two family, or condoized two families. How does reducing options increase choice?

A Housing Production Plan chart shows school age children concentrated in single family housing.

This makes sense as when families form and children arrive it is a natural desire to live in a place of their own; a life stage.

By removing single family zoning, Arlington is telling families with school age children, "We don't have a place for you, look elsewhere".

This will not affect the salability of Arlington properties as the market is regional.

Over time, it will affect demographics, culture and schools. Is this what you want? Is this what residents want?

Planning and Zoning changes should be made after careful consideration and with the expectation property owners will take advantage of the changes.

With Article 38, the Memo minimizes the impact, stating there are not many properties in a circumstance to use it, and it will take a long time for appreciable change.

If it is the case the change will be so minimal and incremental, it would be better to just not do it.

The reality is that it is a race between builders and families to buy any non-pristine house that comes on the market.

Here is an example, of many, a 2200 square foot brick house, built in 1958, that many families would have been happy to purchase and fix up for \$860,000 in 2018, but was torn down and replaced by a 4600 square foot house:

<https://www.redfin.com/MA/Arlington/5-Old-Middlesex-Path-02474/home/8437248>

Single family and two family houses in the existing two family zone have been demolished and replaced by duplexes that dominate the lot, out of scale with surrounding homes, and with each unit selling for much more than the original house sold for.

Builders, naturally, maximize profit. They do that by building to the full structural envelope allowed by bylaws. They are not concerned with how it affects the neighbors, neighborhood, or affordability.

There is no "affordability" in this process. As has been said, Arlington is in a regional market. No matter how many units are built they will not be sufficient to move prices down.

If prices were to move down, developers do not build into a declining market, as seen during recessions.

Builders have land, material and labor costs. Unless one or more of those is subsidized by someone else, "affordable" is market price.

What are more affordable are the houses that are torn down, which middle income families will not get a chance to live in.

Both the Memo and Presentation use misleading statistics, including, "60% of total land area falling within the R0 and R1 Zoning Districts. Of Arlington's land zoned for residential use, 80% is restricted to single- family homes."

The Zoning Map includes schools, golf courses, churches, cemeteries, Town Hall, Robbins Library and other non-residential uses in the residential zone.

If the substantial land area of non-residential uses was properly zoned and deducted from the residential land area, those percentages are reduced.

The Zoning Map and bylaw should be revised to reflect actual land use for good and informed decision making.

The Presentation says, "*Smaller homes in shared structures have a lower carbon footprint per person than an equivalent single-family homes.*"

The reality is, that each side of the duplex is usually larger than the home it replaced, more than doubling the size of what was there before.

The Presentation says, "*Single family homes aren't suitable for everyone at all stages in their lives; some people can't afford it, while others may want to downsize but stay in Town*". This is true, but by eliminating single family zoning, those who are at the single family life stage and can afford it are out of luck with Article 38.

Attempting to mollify this reality by saying the change will occur over time does not change the end goal and result.

The Presentation says, "*Because the dimensional regulations don't change, the housing is similar in appearance to others in the neighborhood.*"

In other words, "don't believe your lying eyes." The duplexes built to replace existing single family or two family houses are built to or close to the limits and are glaringly larger than the others in the neighborhood.

If the desire is to have the Presentation statement be true, Article 38 should include language that the replacement structure should be built in the same building envelope as the existing home, or some small percentage larger.

The Presentation says, "*Bonus: A Tour of Arlington's Illegal Neighborhoods*"

Unfortunately, this section is false and misleading.

If one looks at the Assessor Database and past Zoning Maps, the houses deemed “illegal”, were built prior to the original 1924 Zoning bylaw, were legal when built and are currently legal non-conforming, or were legally built under an earlier Zoning bylaw.

One could look at the “illegal” houses shown and acknowledge that it was these types of mismatches that lead to the desire to have a Zoning Code and orderly development in the first place.

Rather than look at the examples and say we already have mixed housing, one could ask if we want to go back to disorderly development with four unit houses (two family + two ADUs) adjacent to single family homes?

Stephen Blagden

p.s. The proposed motion language appears to create an internal conflict in the by-law.

From: ahollman@aol.com

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Date: Mon, 7 Mar 2022 21:33:16 +0000 (UTC)

Subject: Article 38 comment

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To the members of the Arlington Redevelopment Board,

I respectfully request that my comments regarding Article 38 be added to the public record.

I am Aram Hollman of 12 Whittemore St., Arlington.

I am writing to express my opposition to the proposed Article zoning changes to R0 and R1 districts for the following reasons.

The arguments made in favor of it do not hold. I address the claims made in the March 3 Memorandum from Jennifer Raitt, Kelly Lynema and Talia Fox to the ARB. Similar claims have been made by the article's proponents, Annie LeCourt and others.

The claim that it will create "more affordable" housing does not specify more affordable than what? Anecdote: A 2-family near me, on Avon Place was recently renovated. The 2 units sold for \$800,000 and for \$1.3 million respectively. This was within an existing shell, not new construction. These are -not- prices that anyone would consider affordable, and new construction would cost even more.

The claim that Arlington can or should address the "racist legacy" of past zoning is laudable, and may even be possible, but further raising the price of housing in Arlington will simply make Arlington's housing even less accessible to those of limited means, of whatever racial background. In short, it would be at least arguable that this zoning change -is- another racist policy encoded in zoning.

The claim that the zoning will improve environmental sustainability likewise does not hold. Yes, newer construction, built to meet energy efficiency standards, will be more sustainable. However, that would be true of -any- housing that is constructed, regardless of whether Article 38 is passed, so it is not an argument in favor of Article 38. As for the argument that 2-family units will be more efficient than the existing 1-family, that too does not make the construction more environmentally sustainable. The proposed zoning holds the dimensions of the structure, and thus its volume, to what they were before. With the same volume, the same quantity of heating will be required. No matter how it is measured the environmental impact of 2 households, even in smaller surroundings, is greater than the environmental impact of 1 household. In fact, while I would not argue this, it -could- be argued that the best way to reduce environmental impact would be to make -all- of Arlington's construction 1-family!

The claim that this increases housing choice does not hold. The prime candidates for teardowns and for conversion to 2-families are the smaller "starter" homes which still exist. Replacing them with expensive 2-families may increase housing choice for those at the upper end of the income spectrum, but does nothing for those of more limited means.

From page 8: "While this amendment would not generate housing affordable to households making 80% of Area Median Income (AMI) or less, it has the potential to result in greater housing choice for middle income households." This distinction surprises me. People making 80% of AMI are precisely the people Arlington -should- be trying to attract. 80% is not poor, it is working people and working families. In contrast, this definition makes equal and more than 100% of AMI middle income. That's people making well over \$100,000 a year, possibly \$200,000. That's not middle income, that's affluent.

Finally, the emphasis on creating denser housing is detrimental to the town in a number of ways. It strains the schools. The argument that an increase to the property tax base will improve the town's financial position does not hold, because most of the additional tax revenue will be spent on increased services. This is most notable with the schools. At \$12 per \$1000 of assessed value, a \$1 million home brings in \$12,000. The additional cost to the town for one more

80 of 83

student in the schools is \$15,000. And that is a reasonable consideration, because people choose Arlington for its schools.

In short, Article 38, in many ways, will achieve precisely the opposite of the results it is intended to create. Given how obvious that is, one can only wonder at the motives of its proponents.

Sincerely,

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Subject: Warrant article #38

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Having attended tonight's meeting the conclusion is 77% against this warrant article; 24 against and 7 in favor. I had one more comment to make.

I surveyed my neighbors when I wanted to go back to R1 and they were for going back to that zoning.

I don't care about California, which is a total mess altogether, or any other city or town.

I want Arlington to remain a place for anyone who wants to live here can be able to afford to do so and, right now, that is not possible even for those of us who are struggling to hold on.

The taxes keep rising even though there has been more building. I really do not feel that the people who run this town care what happens to people who love the town.

I would like to know how many people on that zoom meeting actually live in this town.

Janice Weber
Precinct 21-Town Meeting Member

From: Rebecca Peterson <rebeccaopeterson@gmail.com>
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Date: Mon, 7 Mar 2022 18:41:50 -0500
Subject: Article A / Single Family Zoning

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Dear members of the ARB: please add my comments (below) to the official record for this meeting.

I urge you to reject the elimination of single-family zoning in Arlington.

Arlington appeals to many homebuyers because it has the feel of a town with yards and trees, but at the same time urban conveniences such as proximity to the T, good restaurants, and being just minutes from Boston. But eliminating single family housing will destroy the thing that drew most people here! I feel that this proposal is unfair to those who scrimped and saved to buy specifically in a single-family neighborhood, and who have spent subsequent years paying for and improving our homes.

I respectfully ask, what about those of us who want a single-family neighborhood, and why don't our opinions matter? Is the only goal to stuff as many people as we possibly can inside the town borders?

Many of us don't want to live somewhere as dense as Cambridge – we appreciate the town-like feel of Arlington. In addition, eliminating single-family housing does nothing for true affordable housing – but it is a dream for the tear-down crowd and the developers.

The constant push from town officials for increased density is tiresome. We should be trying to protect what little green space we have left and maintain our quality of life rather than encourage people to build on every square inch possible.

Sincerely,
Rebecca Peterson
31 Florence Ave.